

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel for Plaintiffs Sandra Taylor and Diana Sepeda, R.N., Elizabeth L. Higginbotham, Esq., 106 E. 6th Street, Suite 900, Austin, Texas 78701, and counsel for Plaintiff Nancy Friesen, Maria Wormington, Wormington Law Group, 207 East Lamar Street, McKinney, Texas 75069.

/s/ Mike Birrer

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SANDRA TAYLOR, R.N.
DIANA SEPEDA, RN
NANCY FRIESEN, RN**

V.

**LONE STAR HMA, LP, D/B/A
DALLAS REGIONAL MEDICAL CENTER**

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CIVIL ACTION NO.3:07-CV-1931-M

**PLAINTIFFS' SANDRA TAYLOR, RN , DIANA SEPEDA RN
AND NANCY FRIESEN RN'S PRIVILEGE LOG**

DOC. No.	BATES No.	DATE	DOC. TYPE	AUTHOR	RECIPIENTS	SUBJECT	NATURE OF PRIVILEGE
1	00259- 00260	5/31/07	E- Mail	Amber Jamil	D. Sepeda N. Friesen cc: E. Higginbotham	*Message from counsel to clients A. Jamil NNOC and S. Taylor	Attorney-client privilege; party communication

*Message was sent May 31, 2007 to Sandra Taylor and to Amber Jamil who also forwarded the message to Diana Sepeda and Nancy Friesen.

Respectfully submitted,

By: _____
Elizabeth L. Higginbotham, RN, JD
State Bar No. 00787694

**HIGGINBOTHAM & ASSOCIATES LLC
The Littlefield Building**

106 E. 6th Street, Suite 900
Austin, Texas 78701
(512) 322-5719 Phone
(512) 692-2752 Fax

Clay Dugas
Texas Bar No. 06173200
CLAY DUGAS & ASSOCIATES
805 Park
Beaumont, Texas 77701
(409) 813-1111 Phone
(409) 813-1396 Fax

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been forwarded via Electronic Transmission and certified mail on this 25th day of June, 2008 to Defendant's counsel of record:

Mike Birrer
Carrington, Coleman, Sloman & Blumenthal, LLP
901 Main Street, Suite 5500
Dallas, Texas 75202

Elizabeth L. Higginbotham, RN, JD

1. "You," "Your," and "Taylor" shall mean and include Nancy Friesen, her agents and other representatives.

2. "Defendant" or shall mean and include Lone Star HMA, LLP, and any of its agents or other representatives.

3. "Lawsuit" refers to this action styled *Sandra Taylor, et al., Plaintiffs, v. Lone Star HMA, LP d/b/a/ Dallas Regional Medical Center, Defendant*, Cause No. 307CV1931, pending in the United States District Court for the Northern District of Texas, Dallas division.

4. "Document" shall mean and include documents and tangible things as defined by FED. R. CIV. P. 26 and 34. This term shall also be defined to include all physically or electronically recorded information, written, transcribed, taped, filmed, and photographic matter, however produced or reproduced, of every type or description that is or has been in Plaintiff's possession, custody, or control, or of which Plaintiff has knowledge, including, but not limited to, every copy of each such document where such copy is not an identical copy of an original, or where such copy contains any marginal note or other commentary.

5. "Possession, custody, or control" includes actual or constructive possession. Any document or thing that is not in your immediate physical possession, but to which you have a superior right to compel production from a third person, or which is otherwise subject to your control, shall be obtained and produced as directed.

6. "Concerning" means relating to, referring to, describing, evidencing, or constituting in any way, directly or indirectly, the item requested.

7. "Interrogatory" or "Interrogatories" refers to interrogatories contained within Defendant's First Set of Interrogatories to Plaintiff Sandra Taylor.

8. "Person" shall be defined to include any natural person or business, legal or governmental entity or association.

9. You should construe these discovery requests as follows: (a) the singular includes the plural and the plural includes the singular; (b) the masculine, feminine, or neuter pronoun includes the other genders; (c) the conjunctions "and" and "or" should be read either disjunctively or conjunctively to bring within the scope of the request all documents or information that might otherwise be construed to be outside its scope; (d) the words "any" and "all" shall include each and every; and (e) the present tense of a verb includes its past tense and vice versa.

II. INSTRUCTIONS

1. All documents or things that respond, in whole or in part, to any portion of the requests below are to be produced in their entirety, including attachments and enclosures.

2. You should produce one copy of each requested document. A document that varies in any way from its original or from any other copy, including drafts or a document with handwritten notations or deletions, constitutes a separate document and must be produced, whether or not the original is within your custody, possession, or control. Where an identical copy of a document cannot be produced for any reason (e.g., different color entries, faint writing, erasures, etc.), please produce the original.

3. If Plaintiff contends that she is entitled to withhold any documents or things that would otherwise be responsive to these requests on the basis of any privilege or subject to protection as trial preparation materials, then with respect to such document or things please state the following: (i) type of document or thing (e.g., letter, memorandum, e-mail, telegram, telex, chart, photograph, sound reproduction, etc.); (ii) general subject matter; (iii) date of the document or thing; and (iv) author(s), addressee(s), and recipient(s). See FED. R. CIV. P. **DEFENDANT'S FIRST REQUEST FOR PRODUCTION TO PLAINTIFF NANCY FRIESEN RN – Page 3**

26(b)(5). Also state the basis upon which you contend you are entitled to withhold such document or thing.

4. Unless otherwise specified in particular requests, the time period applicable to each of these requests is May 1, 2005 to present.

III. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All documents concerning any communications between you and any other person, except your legal counsel, concerning this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

All invoices, bills, billing statements, timesheets or other documents concerning attorney's fees or expenses incurred in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

All documents concerning any communications between you and the California Nurses Association concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

All documents concerning any communications between you and any elected official concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

All documents concerning any communications between you and the California Nurses Association concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

All documents concerning any communications between you and any elected official concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

All documents referenced in your Initial Disclosures under the Federal Rules of Civil Procedure in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

All documents reviewed or referenced in preparing your responses (and any amended or supplemental responses) to Defendant's First Set of Interrogatories served on you in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

All documents concerning the receipt of any money or income from June 1, 2007 to date.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

All documents concerning public forums in which you have discussed your termination from Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

All documents concerning any damages you are seeking to recover in the Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

All emails that you have sent to anyone (except your attorney) concerning Defendant's termination of your employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

All documents reflecting that a third party has agreed to pay your attorneys' fees and/or costs in the Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16:

All documents concerning contacts that you have made with the media (television, newspapers, magazines, electronic bulletin boards, blogs, internet chat rooms, etc.) concerning your termination from Defendant or patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17:

Any diary or calendar that you maintained concerning your employment with Defendant.

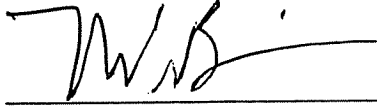
RESPONSE:

REQUEST FOR PRODUCTION NO. 18:

Your phone bills (home telephone and cell phone) for May 2007 and June 2007.

RESPONSE:

Respectfully submitted,



Mike Birrer

State Bar No. 00783662

mbirrer@ccsb.com

Rachel E. Mascorro

State Bar No. 24060233

rmascorro@ccsb.com

CARRINGTON, COLEMAN, SLOMAN
& BLUMENTHAL, L.L.P.

901 Main Street, Suite 5500

Dallas, Texas 75202

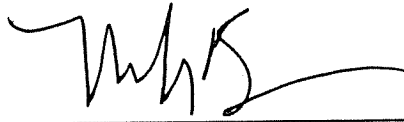
Telephone: (214) 855-3000

Facsimile: (214) 855-1333

Attorneys for Defendant Lone Star HMA L.P.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record in the above cause in accordance with Rule 5, Federal Rules of Civil Procedure, on this 1st day of February, 2008.



1. "You," "Your," and "Taylor" shall mean and include Diana Sepeda, her agents and other representatives.

2. "Defendant" or shall mean and include Lone Star HMA, LLP, and any of its agents or other representatives.

3. "Lawsuit" refers to this action styled *Sandra Taylor, et al., Plaintiffs, v. Lone Star HMA, LP d/b/a/ Dallas Regional Medical Center, Defendant*, Cause No. 307CV1931, pending in the United States District Court for the Northern District of Texas, Dallas division.

4. "Document" shall mean and include documents and tangible things as defined by FED. R. CIV. P. 26 and 34. This term shall also be defined to include all physically or electronically recorded information, written, transcribed, taped, filmed, and photographic matter, however produced or reproduced, of every type or description that is or has been in Plaintiff's possession, custody, or control, or of which Plaintiff has knowledge, including, but not limited to, every copy of each such document where such copy is not an identical copy of an original, or where such copy contains any marginal note or other commentary.

5. "Possession, custody, or control" includes actual or constructive possession. Any document or thing that is not in your immediate physical possession, but to which you have a superior right to compel production from a third person, or which is otherwise subject to your control, shall be obtained and produced as directed.

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8. "Person" shall be defined to include any natural person or business, legal or governmental entity or association.

9. You should construe these discovery requests as follows: (a) the singular includes the plural and the plural includes the singular; (b) the masculine, feminine, or neuter pronoun includes the other genders; (c) the conjunctions "and" and "or" should be read either disjunctively or conjunctively to bring within the scope of the request all documents or information that might otherwise be construed to be outside its scope; (d) the words "any" and "all" shall include each and every; and (e) the present tense of a verb includes its past tense and vice versa.

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3. If Plaintiff contends that she is entitled to withhold any documents or things that would otherwise be responsive to these requests on the basis of any privilege or subject to protection as trial preparation materials, then with respect to such document or things please state the following: (i) type of document or thing (e.g., letter, memorandum, e-mail, telegram, telex, chart, photograph, sound reproduction, etc.); (ii) general subject matter; (iii) date of the document or thing; and (iv) author(s), addressee(s), and recipient(s). *See* FED. R. CIV. P. **DEFENDANT'S FIRST REQUEST FOR PRODUCTION TO PLAINTIFF DIANA SEPEDA RN – Page 3**

26(b)(5). Also state the basis upon which you contend you are entitled to withhold such document or thing.

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RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

All documents concerning any communications between you and any elected official concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

All documents concerning any communications between you and the California Nurses Association concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

All documents concerning any communications between you and any elected official concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

All documents referenced in your Initial Disclosures under the Federal Rules of Civil Procedure in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

All documents reviewed or referenced in preparing your responses (and any amended or supplemental responses) to Defendant's First Set of Interrogatories served on you in this Lawsuit.

RESPONSE:

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All documents concerning the receipt of any money or income from June 1, 2007 to date.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

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RESPONSE:

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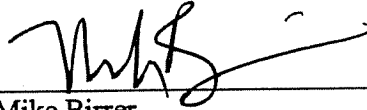
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RESPONSE:

Respectfully submitted,



Mike Birrer

State Bar No. 00783662

mbirrer@ccsb.com

Rachel E. Mascorro

State Bar No. 24060233

rmascorro@ccsb.com

CARRINGTON, COLEMAN, SLOMAN
& BLUMENTHAL, L.L.P.

901 Main Street, Suite 5500

Dallas, Texas 75202

Telephone: (214) 855-3000

Facsimile: (214) 855-1333

Attorneys for Defendant Lone Star HMA L.P.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record in the above cause in accordance with Rule 5, Federal Rules of Civil Procedure, on this 1st day of February, 2008.



1. "You," "Your," and "Taylor" shall mean and include Sandra Taylor, her agents and other representatives.

2. "Defendant" or shall mean and include Lone Star HMA, LLP, and any of its agents or other representatives.

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RESPONSE:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

All documents concerning any communications between you and any elected official concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

All documents concerning any communications between you and the California Nurses Association concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

All documents concerning any communications between you and any elected official concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

All documents referenced in your Initial Disclosures under the Federal Rules of Civil Procedure in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

All documents reviewed or referenced in preparing your responses (and any amended or supplemental responses) to Defendant's First Set of Interrogatories served on you in this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

All documents concerning the receipt of any money or income from June 1, 2007 to date.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

All documents concerning public forums in which you have discussed your termination from Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

All documents concerning any damages you are seeking to recover in the Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

All emails that you have sent to anyone (except your attorney) concerning Defendant's termination of your employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

All documents reflecting that a third party has agreed to pay your attorneys' fees and/or costs in the Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16:

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RESPONSE:

REQUEST FOR PRODUCTION NO. 17:

Any diary or calendar that you maintained concerning your employment with Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18:

Your phone bills (home telephone and cell phone) for May 2007 and June 2007.

RESPONSE:

Respectfully submitted,



Mike Birrer

State Bar No. 00783662

mbirrer@ccsb.com

Rachel E. Mascorro

State Bar No. 24060233

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CARRINGTON, COLEMAN, SLOMAN
& BLUMENTHAL, L.L.P.

901 Main Street, Suite 5500

Dallas, Texas 75202

Telephone: (214) 855-3000

Facsimile: (214) 855-1333

Attorneys for Defendant Lone Star HMA L.P.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record in the above cause in accordance with Rule 5, Federal Rules of Civil Procedure, on this 1st day of February, 2008.



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SANDRA TAYLOR, R.N.
DIANA SEPEDA, RN
NANCY FRIESEN, RN**

V.

**LONE STAR HMA, LP, D/B/A
DALLAS REGIONAL MEDICAL CENTER**

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CIVIL ACTION NO.3:07-CV-1931-M

**PLAINTIFF NANCY FRIESEN'S
RESPONSE TO DEFENDANT'S FIRST REQUEST FOR PRODUCTION**

TO: Lone Star HMA, LP d/b/a Dallas Regional Medical Center, by and through their attorney of record, Mike Birrer, Carrington, Coleman, Sloman & Blumenthal, L.L.P., 901 Main Street, Suite 5500, Dallas, Texas 75202.

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, and without waiving her objections hereto made and without agreeing to the admissibility in evidence of Defendant's Request Plaintiff Nancy Friesen, RN ("Plaintiff") serves these responses to requests for production upon Defendant Lone Star HMA, LLP ("Defendant"); in accordance with FED. R. Civ. P. 34.

**PLAINTIFF'S RESPONSES TO DEFENDANT'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

REQUEST FOR PRODUCTION NO.1:

All documents concerning any communications between you and any other person, except your legal counsel, concerning this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See Bates numbered documents P-00074 through P-00078; P-00089 through P-00138.

PLAINTIFF NANCY FRIESEN'S RESPONSE TO
DEFENDANT'S FIRST REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO.2:

All invoices, bills, billing statements, timesheets or other documents concerning attorney's fees or expenses incurred in this Lawsuit.

RESPONSE:

See contract for attorney's fees with Ms. Higginbotham and Mr. Dugas. P-00086 through P-00088. Billing records and timesheets will be supplemented.

REQUEST FOR PRODUCTION NO.3:

All documents concerning any communications between you and the California Nurses Association concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.4:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.5:

All documents concerning any communications between you and any elected official concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See P-00021 through P-00023; P-00025, P-00026; P-00074 through P-00078; P-00097 through P-00099; P-00111 through P-00120.

REQUEST FOR PRODUCTION NO.6:

All documents concerning any communications between you and the California Nurses Association concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.7:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.8:

All documents concerning any communications between you and any elected official concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00021 through P-00023; P-00025, P-00026; P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.9:

All documents referenced in your Initial Disclosures under the Federal Rules of Civil Procedure in this Lawsuit.

RESPONSE:

See Bates Numbered documents P 00001-00082 and P 00089-00143 and P 00144-00152

REQUEST FOR PRODUCTION NO. 10:

All documents reviewed or referenced in preparing your responses (and any amended or supplemental responses) to Defendant's First Set of Interrogatories served on you in this Lawsuit.

RESPONSE:

See Bates Numbered documents P-00001, P-00078 through P-00085, P-00086 through P-00143 and P-00144 through P-00152.

REQUEST FOR PRODUCTION NO.11:

All documents concerning the receipt of any money or income from June 1, 2007 to date.

RESPONSE:

See P-00144 through P-00152.

REQUEST FOR PRODUCTION NO. 12:

All documents concerning public forums in which you have discussed your termination from Defendant.

RESPONSE:

See P-00111; P-00074 through P-00078.

REQUEST FOR PRODUCTION NO. 13:

All documents concerning any damages you are seeking to recover in the Lawsuit.

RESPONSE:

See P-00144 through P-00152. Plaintiff will supplement this response.

REQUEST FOR PRODUCTION NO. 14:

All emails that you have sent to anyone (except your attorney) concerning Defendant's termination of your employment.

RESPONSE:

Plaintiff objects to this Request as it is overly broad, not limited in time or scope and seeks information that is not relevant to this litigation. If Defendant will narrow its request to identify the person to whom the e-mail is directed, Plaintiff will make every effort to produce emails that are specifically requested.

REQUEST FOR PRODUCTION NO. 15:

All documents reflecting that a third party has agreed to pay your attorneys' fees and/or costs in the Lawsuit.

RESPONSE:

None.

REQUEST FOR PRODUCTION NO. 16:

All documents concerning contacts that you have made with the media (television, newspapers, magazines, electronic bulletin boards, blogs, internet chat rooms, etc.) concerning your termination from Defendant or patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00021 through P-00023; P-00025, P-00026, P-00097 though P-00099; P-00111 through P-00120; P-00074 through P-00078.

REQUEST FOR PRODUCTION NO. 17:

Any diary or calendar that you maintained concerning your employment with Defendant.

RESPONSE:

Plaintiff will supplement this response.

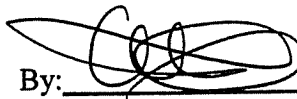
REQUEST FOR PRODUCTION NO. 18:

Your phone bills (home telephone and cell phone) for May 2007 and June 2007.

RESPONSE:

Plaintiff objects to this Request to the extent that it invades Plaintiff's privacy related to any calls made or received from her home or cell phone related to the receipt of medical advice, treatment by Plaintiff or a member of her household with access to her home and/or cellular telephone. Plaintiff objects to providing her home telephone records to the extent that Plaintiff is not the only person who utilizes the telephone and this Request invades the privacy interests of third parties who also use that account. Subject to and without waiving these objections, Plaintiff agrees to produce redacted cell phone records

Respectfully submitted,

By: 

Elizabeth L. Higginbotham, RN, JD
State Bar No. 00787694

HIGGINBOTHAM & ASSOCIATES LLC
The Littlefield Building
106 E. 6th Street, Suite 900
Austin, Texas 78701
(512) 322-5719 Phone
(512) 692-2752 Fax

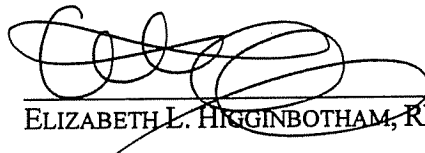
Clay Dugas
Texas Bar No. 06173200
CLAY DUGAS & ASSOCIATES
805 Park
Beaumont, Texas 77701
(409) 813-1111 Phone
(409) 813-1396 Fax

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been forwarded via Electronic Transmission on this 4th day of March, 2008, to Defendant's counsel of record:

Mike Birrer
Carrington, Coleman, Sloman & Blumenthal, LLP
901 Main Street, Suite 5500
Dallas, Texas 75202


ELIZABETH L. HIGGINBOTHAM, RN, JD

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SANDRA TAYLOR, R.N.
DIANA SEPEDA, RN
NANCY FRIESEN, RN**

V.

**LONE STAR HMA, LP, D/B/A
DALLAS REGIONAL MEDICAL CENTER**

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CIVIL ACTION NO.3:07-CV-1931-M

**PLAINTIFF DIANA SEPEDA'S
RESPONSE TO DEFENDANT'S FIRST REQUEST FOR PRODUCTION**

TO: Lone Star HMA, LP d/b/a Dallas Regional Medical Center, by and through their attorney of record, Mike Birrer, Carrington, Coleman, Sloman & Blumenthal, L.L.P., 901 Main Street, Suite 5500, Dallas, Texas 75202.

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, and without waiving her objections hereto made and without agreeing to the admissibility in evidence of Defendant's Request Plaintiff Diana Sepeda, RN ("Plaintiff") serves these responses to requests for production upon Defendant Lone Star HMA, LLP ("Defendant"); in accordance with FED. R. CIV. P. 34.

**PLAINTIFF'S RESPONSES TO DEFENDANT'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

REQUEST FOR PRODUCTION NO.1:

All documents concerning any communications between you and any other person, except your legal counsel, concerning this Lawsuit, or your claims in this Lawsuit.

PLAINTIFF DIANA SEPEDA'S RESPONSE TO
DEFENDANT'S FIRST REQUEST FOR PRODUCTION

RESPONSE:

See Bates numbered documents P00007 through P-0009; P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.2:

All invoices, bills, billing statements, timesheets or other documents concerning attorney's fees or expenses incurred in this Lawsuit.

RESPONSE:

See contract for attorney's fees with Ms. Higginbotham and Mr. Dugas (P-0083 through P-0085). Billing records and timesheets will be supplemented.

REQUEST FOR PRODUCTION NO.3:

All documents concerning any communications between you and the California Nurses Association concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.4:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.5:

All documents concerning any communications between you and any elected official concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See P-00021 through P-00023; P-00025, P-00026; P-00074 through P-00078; P-00097 through P-00099; P-00111 through P-00120.

REQUEST FOR PRODUCTION NO.6:

All documents concerning any communications between you and the California Nurses Association concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.7:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.8:

All documents concerning any communications between you and any elected official concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00021 through P-00023; P-00025, P-00026; P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.9:

All documents referenced in your Initial Disclosures under the Federal Rules of Civil Procedure in this Lawsuit.

RESPONSE:

See Bates Numbered documents P-00001 through P-00082, P-00089 through P-00143 and P-00157.

REQUEST FOR PRODUCTION NO. 10:

All documents reviewed or referenced in preparing your responses (and any amended or supplemental responses) to Defendant's First Set of Interrogatories served on you in this Lawsuit.

RESPONSE:

See Bates Numbered documents P-00001 through P-00078 and P-00083 through P-00085; and P-00089 through P-00143 and P-00157.

REQUEST FOR PRODUCTION NO.11:

All documents concerning the receipt of any money or income from June 1, 2007 to date.

RESPONSE:

See P-00157.

REQUEST FOR PRODUCTION NO. 12:

All documents concerning public forums in which you have discussed your termination from Defendant.

RESPONSE:

See P-00111; P-00074 through P-00078 and P-00053.

REQUEST FOR PRODUCTION NO. 13:

All documents concerning any damages you are seeking to recover in the Lawsuit.

RESPONSE:

See P-00157. Plaintiff will supplement this response.

REQUEST FOR PRODUCTION NO. 14:

All emails that you have sent to anyone (except your attorney) concerning Defendant's termination of your employment.

RESPONSE:

Plaintiff objects to this Request as it is overly broad, not limited in time or scope and seeks information that is not relevant to this litigation. If Defendant will narrow its request to identify the person to whom the e-mail is directed, Plaintiff will make every effort to produce emails that are specifically requested.

REQUEST FOR PRODUCTION NO. 15:

All documents reflecting that a third party has agreed to pay your attorneys' fees and/or costs in the Lawsuit.

RESPONSE:

None.

REQUEST FOR PRODUCTION NO. 16:

All documents concerning contacts that you have made with the media (television, newspapers, magazines, electronic bulletin boards, blogs, internet chat rooms, etc.) concerning your termination from Defendant or patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00021 through P-00023; P-00025, P-00026; P-00053; P-00097 through P-00099; P-00111 through P-00120; P-00074 through P-00078.

REQUEST FOR PRODUCTION NO. 17:

Any diary or calendar that you maintained concerning your employment with Defendant.

RESPONSE:

Plaintiff will supplement this response.

REQUEST FOR PRODUCTION NO. 18:

Your phone bills (home telephone and cell phone) for May 2007 and June 2007.

RESPONSE:

Plaintiff objects to this Request to the extent that it invades Plaintiff's privacy related to any calls made or received from her home or cell phone related to the receipt of medical advice, treatment by Plaintiff or a member of her household with access to her home and/or cellular telephone. Plaintiff objects to providing her home telephone records to the extent that Plaintiff is not the only person who utilizes the telephone and this Request invades the privacy interests of third parties who also use that account. Subject to and without waiving these objections, Plaintiff agrees to produce redacted cell phone records

Respectfully submitted,

By: 
Elizabeth L. Higginbotham, RN, JD
State Bar No. 00787694

HIGGINBOTHAM & ASSOCIATES LLC
The Littlefield Building
106 E. 6th Street, Suite 900
Austin, Texas 78701
(512) 322-5719 Phone
(512) 692-2752 Fax

Clay Dugas
Texas Bar No. 06173200
CLAY DUGAS & ASSOCIATES
805 Park
Beaumont, Texas 77701
(409) 813-1111 Phone
(409) 813-1396 Fax

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been forwarded via Electronic Transmission on this 4th day of March, 2008 to Defendant's counsel of record:

Mike Birrer
Carrington, Coleman, Sloman & Blumenthal, LLP
901 Main Street, Suite 5500
Dallas, Texas 75202


ELIZABETH L. HIGGINBOTHAM, RN, JD

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SANDRA TAYLOR, R.N.
DIANA SEPEDA, RN
NANCY FRIESEN, RN**

V.

**LONE STAR HMA, LP, D/B/A
DALLAS REGIONAL MEDICAL CENTER**

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CIVIL ACTION NO.3:07-CV-1931-M

**PLAINTIFF SANDRA TAYLOR'S
RESPONSE TO DEFENDANT'S FIRST REQUEST FOR PRODUCTION**

TO: Lone Star HMA, LP d/b/a Dallas Regional Medical Center, by and through their attorney of record, Mike Birrer, Carrington, Coleman, Sloman & Blumenthal, L.L.P., 901 Main Street, Suite 5500, Dallas, Texas 75202.

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, and without waiving her objections hereto made and without agreeing to the admissibility in evidence of Defendant's Request Plaintiff Sandra Taylor, RN ("Plaintiff") serves these responses to requests for production upon Defendant Lone Star HMA, LLP ("Defendant"); in accordance with FED. R. CIV. P. 34.

**PLAINTIFF'S RESPONSES TO DEFENDANT'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

REQUEST FOR PRODUCTION NO.1:

All documents concerning any communications between you and any other person, except your legal counsel, concerning this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See Bates numbered documents P00001 through P-0005; P-00074 through P-00078; P-00089 through P-00138.

PLAINTIFF SANDRA TAYLOR'S RESPONSE TO
DEFENDANT'S FIRST REQUEST FOR PRODUCTION

Page 1

App. 41

REQUEST FOR PRODUCTION NO.2:

All invoices, bills, billing statements, timesheets or other documents concerning attorney's fees or expenses incurred in this Lawsuit.

RESPONSE:

See contract for attorney's fees with Ms. Higginbotham and Mr. Dugas. P-0079 through P-0082. Billing records and timesheets will be supplemented.

REQUEST FOR PRODUCTION NO.3:

All documents concerning any communications between you and the California Nurses Association concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.4:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See P-00074 through P-00078, P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.5:

All documents concerning any communications between you and any elected official concerning Defendant, this Lawsuit, or your claims in this Lawsuit.

RESPONSE:

See P-00021 through P-00023; P-00025, P-00026; P-00074 through P-00078; P-00097 through P-00099; P-00111 through P-00120

REQUEST FOR PRODUCTION NO.6:

All documents concerning any communications between you and the California Nurses Association concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.7:

All documents concerning any communications between you and the National Nurses Organizing Committee concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00074 through P-00078; P-00089 through P-00138.

REQUEST FOR PRODUCTION NO.8:

All documents concerning any communications between you and any elected official concerning appropriate patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00021 through P-00023; P-00025, P-00026; P-00074 through P-00078; P-00089 through P-000138.

REQUEST FOR PRODUCTION NO.9:

All documents referenced in your Initial Disclosures under the Federal Rules of Civil Procedure in this Lawsuit.

RESPONSE:

See Bates Numbered documents P-00001 through P-00082, P-00089 through P-00143, and P-00153 through P-00156.

REQUEST FOR PRODUCTION NO. 10:

All documents reviewed or referenced in preparing your responses (and any amended or supplemental responses) to Defendant's First Set of Interrogatories served on you in this Lawsuit.

RESPONSE:

See Bates Numbered documents P-00001 through P-00082, P-00089 through P-00143 and P-00153 through P-00156.

REQUEST FOR PRODUCTION NO.11:

All documents concerning the receipt of any money or income from June 1, 2007 to date.

RESPONSE:

See P-00153 through P-00156.

REQUEST FOR PRODUCTION NO. 12:

All documents concerning public forums in which you have discussed your termination from Defendant.

RESPONSE:

See P-00111; P-00074 through P-00078.

REQUEST FOR PRODUCTION NO. 13:

All documents concerning any damages you are seeking to recover in the Lawsuit.

RESPONSE:

See P-00153 through P-00156. Plaintiff will supplement this response.

REQUEST FOR PRODUCTION NO. 14:

All emails that you have sent to anyone (except your attorney) concerning Defendant's termination of your employment.

RESPONSE:

Plaintiff objects to this Request as it is overly broad, not limited in time or scope and seeks information that is not relevant to this litigation. If Defendant will narrow its request to identify the person to whom the e-mail is directed, Plaintiff will make every effort to produce emails that are specifically requested.

REQUEST FOR PRODUCTION NO. 15:

All documents reflecting that a third party has agreed to pay your attorneys' fees and/or costs in the Lawsuit.

RESPONSE:

None.

REQUEST FOR PRODUCTION NO. 16:

All documents concerning contacts that you have made with the media (television, newspapers, magazines, electronic bulletin boards, blogs, internet chat rooms, etc.) concerning your termination from Defendant or patient/nurse ratios on an intensive care unit.

RESPONSE:

See P-00021 through P-00023; P-00025, P-00026, P-00097 through P-00099; P0111 through P-00120; P-00074 through P-00078.

REQUEST FOR PRODUCTION NO. 17:

Any diary or calendar that you maintained concerning your employment with Defendant.

RESPONSE:

Plaintiff will supplement this response.

REQUEST FOR PRODUCTION NO. 18:

Your phone bills (home telephone and cell phone) for May 2007 and June 2007.

RESPONSE:

Plaintiff objects to this Request to the extent that it invades Plaintiff's privacy related to any calls made or received from her home or cell phone related to the receipt of medical advice, treatment by Plaintiff or a member of her household with access to her home and/or cellular telephone. Plaintiff objects to providing her home telephone records to the extent that Plaintiff is not the only person who utilizes the telephone and this Request invades the privacy interests of third parties who also use that account. Subject to and without waiving these objections, Plaintiff agrees to produce redacted cell phone records

Respectfully submitted,

By: 
Elizabeth L. Higginbotham, RN, JD
State Bar No. 00787694

HIGGINBOTHAM & ASSOCIATES LLC
The Littlefield Building
106 E. 6th Street, Suite 900
Austin, Texas 78701
(512) 322-5719 Phone
(512) 692-2752 Fax

Clay Dugas
Texas Bar No. 06173200
CLAY DUGAS & ASSOCIATES
805 Park
Beaumont, Texas 77701
(409) 813-1111 Phone
(409) 813-1396 Fax

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been forwarded via Electronic Transmission on this 4th day of March, 2008, to Defendant's counsel of record:

Mike Birrer
Carrington, Coleman, Sloman & Blumenthal, LLP
901 Main Street, Suite 5500
Dallas, Texas 75202



ELIZABETH L. HIGGINBOTHAM, RN, JD

NANCY L. FRIESEN

1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SANDRA TAYLOR, RN,
DIANA SEPEDA, RN,
NANCY FRIESEN, RN,

Plaintiffs,

vs.

LONE STAR HMA, LP d/b/a DALLAS
REGIONAL MEDICAL CENTER,

Defendant.

CIVIL ACTION
NO.
3:07-CV-1931-M

ORAL DEPOSITION OF

NANCY L. FRIESEN

May 16, 2008

COPY

ORAL DEPOSITION of NANCY L. FRIESEN,
taken at the instance of the Defendant, on the 16th of
May, 2008, in the above styled and numbered cause at
the offices of Art Brender, 600 Eighth Avenue,
Fort Worth, Texas, before Jeff L. Foster, a Certified
Shorthand Reporter in and for the State of Texas,
pursuant to the Federal Rules of Civil Procedure and
the provisions stated on the record.

NANCY L. FRIESEN

2

A P P E A R A N C E S

APPEARING FOR THE PLAINTIFF:

Ms. Elizabeth L. Higginbotham
HIGGINBOTHAM & ASSOCIATES
The Littlefield Building
106 East 6th Street, Suite 900
Austin, Texas 78701

-and-

Mr. Clay Dugas
CLAY DUGAS & ASSOCIATES
805 Park
Beaumont, Texas 77701

APPEARING FOR THE DEFENDANT:

Mr. Mike Birrer
Ms. Rachel E. Mascorro
CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL
901 Main Street, Suite 5500
Dallas, Texas 75202

ALSO APPEARING

Ms. Sandra Taylor
Ms. Diana Sepeda

Nancy Friesen

30 (Pages 114 to 117)

Page 114	
<p>1 the schedule on the nightshift for May 24?</p> <p>2 A. No. But if there was 15 patients, what would</p> <p>3 there be, six or seven?</p> <p>4 Q. How many – does the charge nurse take ICU</p> <p>5 patients?</p> <p>6 A. Sometimes.</p> <p>7 Q. Was Ms. Welpton assigned patients on the night</p> <p>8 of May 24 when you showed up and looked at the</p> <p>9 whiteboard?</p> <p>10 A. I don't remember if she had some. She always</p> <p>11 tried to have it – work it so she had none. You can</p> <p>12 have three, but she didn't want to have any. So she</p> <p>13 may have had one that night.</p> <p>14 Q. I thought it was your testimony that you can't</p> <p>15 have three.</p> <p>16 A. I know. That's right. She might say, "You</p> <p>17 triple, but I don't want to have any patients, because</p> <p>18 I'm the charge nurse." Do you understand what I'm</p> <p>19 saying?</p> <p>20 Q. No. So –</p> <p>21 A. Let me try again.</p> <p>22 MR. DUGAS: Let him go ahead and ask his</p> <p>23 question.</p> <p>24 Q. (BY MR. BIRRER) So is it okay for – is it</p> <p>25 okay for a charge nurse on ICU to take three ICU</p>	<p>1 night of May 24, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And do you know why that patient – personal</p> <p>4 knowledge. Do you know why that patient had not been</p> <p>5 transferred?</p> <p>6 MR. DUGAS: Objection, form.</p> <p>7 A. No.</p> <p>8 Q. (BY MR. BIRRER) Pardon?</p> <p>9 A. No.</p> <p>10 Q. Okay. Between May 24 and the date on which</p> <p>11 you met with human resources, which I believe was June</p> <p>12 1st – between May 24 and June 1st, did you send</p> <p>13 e-mails to anyone concerning the circumstances of</p> <p>14 May 24?</p> <p>15 A. Yes.</p> <p>16 Q. Who did you send e-mails to?</p> <p>17 A. To each other.</p> <p>18 Q. When you say "each other," who are you –</p> <p>19 A. Diana and Amber Jamil.</p> <p>20 Q. Did you send e-mails to Sandra?</p> <p>21 A. Yeah.</p> <p>22 Q. About the events of May 24?</p> <p>23 A. Yes.</p> <p>24 Q. And that would have happened between June 1</p> <p>25 and May 24?</p>
Page 115	Page 117
<p>1 patients?</p> <p>2 A. No.</p> <p>3 Q. How many beds are there on ICU?</p> <p>4 A. There are 13.</p> <p>5 Q. And the charge nurse – even if a charge nurse</p> <p>6 gets a transfer order, let's say a transfer order to</p> <p>7 PCU, the charge nurse doesn't have the ability to</p> <p>8 transfer the patient unless there's an open bed on PCU,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And if – is there ever an occasion</p> <p>12 when a charge nurse gets a transfer order to move a</p> <p>13 patient from ICU to PCU and there's a bed available on</p> <p>14 PCU, but the charge nurse properly refuses the</p> <p>15 transfer?</p> <p>16 A. Yes.</p> <p>17 Q. And have you seen that happen on occasion?</p> <p>18 A. Yes.</p> <p>19 Q. And was that – are you trying to claim that</p> <p>20 that was – that that was happening on May 24?</p> <p>21 MR. DUGAS: Objection, form.</p> <p>22 A. No.</p> <p>23 Q. (BY MR. BIRRER) Do you know if there were --</p> <p>24 you indicated that there was one – one patient that</p> <p>25 you had heard that could have been transferred on the</p>	<p>1 A. It would have.</p> <p>2 Q. So you mentioned Diana, Amber Jamil, Sandra.</p> <p>3 Anyone else?</p> <p>4 A. No, not that I recall.</p> <p>5 Q. And did you retain copies of those e-mails?</p> <p>6 A. Of course not.</p> <p>7 Q. And even if you don't have paper copies on</p> <p>8 your computer, are they stored anywhere?</p> <p>9 A. Not that I'm aware of.</p> <p>10 Q. And you would have sent those on the AT&T</p> <p>11 account we talked about earlier?</p> <p>12 A. No doubt.</p> <p>13 Q. Is that yes?</p> <p>14 A. Yes.</p> <p>15 Q. And did anyone during that time period send</p> <p>16 you e-mails about the events that happened on May 24</p> <p>17 that we've been discussing?</p> <p>18 A. Yes. The same people.</p> <p>19 Q. Diana, Amber Jamil and Sandra?</p> <p>20 A. Of course, yes.</p> <p>21 Q. And I apologize. You may have identified her</p> <p>22 earlier, but who is Amber Jamil?</p> <p>23 A. She was working with the NNOC.</p> <p>24 Q. What is her position with the NNOC?</p> <p>25 A. She would be an organizer.</p>

Nancy Friesen

31 (Pages 118 to 121)

Page 118	Page 120
<p>1 Q. And what is the NNOC?</p> <p>2 A. National Nurses Organizing Committee.</p> <p>3 Q. And what does that organization do?</p> <p>4 A. That organization helps nurses to accomplish</p> <p>5 things collectively.</p> <p>6 Q. Is it – is it a union organization?</p> <p>7 A. No, not really.</p> <p>8 Q. Okay. The California Nurses Association is a</p> <p>9 union organization, correct?</p> <p>10 A. The California Nurses Association is a</p> <p>11 registry for the California nurses and, yes, the</p> <p>12 California nurses are organized and they do have a</p> <p>13 union.</p> <p>14 Q. And is that union the California Nurses</p> <p>15 Association?</p> <p>16 A. If that's the registry body and the union –</p> <p>17 yeah, I would say so.</p> <p>18 MR. DUGAS: Well, don't guess. You don't</p> <p>19 have to.</p> <p>20 THE WITNESS: No? Okay. I don't know.</p> <p>21 MR. DUGAS: This is testimony.</p> <p>22 THE WITNESS: I don't know. I don't know</p> <p>23 how it's organized –</p> <p>24 MR. DUGAS: That's your answer.</p> <p>25 THE WITNESS: – in California.</p>	<p>1 Q. And that's the one we talked about earlier</p> <p>2 that didn't pass the Texas legislature?</p> <p>3 A. Yes.</p> <p>4 MR. DUGAS: Objection, form.</p> <p>5 Q. (BY MR. BIRRER) Did you meet anyone else from</p> <p>6 the NNOC during that Austin trip?</p> <p>7 A. Sure.</p> <p>8 Q. Who?</p> <p>9 A. Lots of people.</p> <p>10 Q. Can you recall any of them?</p> <p>11 A. People from all over the state.</p> <p>12 Q. And I just want to know if there are any names</p> <p>13 that you can recall.</p> <p>14 A. Ed Bruno.</p> <p>15 Q. Anyone else?</p> <p>16 A. Hedy Dumpel.</p> <p>17 Q. Could you say the first name?</p> <p>18 A. It's Hedy. H-E-D-Y, I believe, her name is</p> <p>19 spelled.</p> <p>20 Q. Dumpel?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Could you spell that?</p> <p>23 A. D-U-M-P-L-E (sic) perhaps.</p> <p>24 Q. Okay.</p> <p>25 A. I'm not sure.</p>
Page 119	Page 121
<p>1 MR. DUGAS: That's your answer.</p> <p>2 Q. (BY MR. BIRRER) Well, Amber Jamil, is she</p> <p>3 located in California?</p> <p>4 A. No.</p> <p>5 Q. Where does she live?</p> <p>6 A. She's in New York.</p> <p>7 Q. What city in New York?</p> <p>8 A. New York City, I believe.</p> <p>9 Q. And had you met Amber Jamil prior to May 24?</p> <p>10 A. Yes.</p> <p>11 Q. Where did you meet her for the first time?</p> <p>12 A. In Austin.</p> <p>13 Q. Approximately when?</p> <p>14 A. Oh, November, December.</p> <p>15 Q. Of '06?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Is that yes?</p> <p>18 A. Yes.</p> <p>19 Q. And was that when you were lobbying to get the</p> <p>20 patient ratio –</p> <p>21 A. Yes.</p> <p>22 Q. – law for –</p> <p>23 A. Yes.</p> <p>24 Q. – excuse me – for ICUs?</p> <p>25 A. Yes.</p>	<p>1 Q. And can you name anyone else that you met</p> <p>2 during that trip from the NNOC?</p> <p>3 A. Not specifically.</p> <p>4 Q. Where does Mr. Bruno live?</p> <p>5 A. I think he lives in Florida.</p> <p>6 Q. And where does Ms. Dumpel live?</p> <p>7 A. In California.</p> <p>8 Q. And are they members of the NNOC or the CNA?</p> <p>9 A. NNOC.</p> <p>10 Q. And do you have their e-mail addresses also?</p> <p>11 A. No.</p> <p>12 Q. How did you get Amber Jamil's e-mail address?</p> <p>13 A. She gave it to me.</p> <p>14 Q. And had you e-mailed her prior to May 24?</p> <p>15 A. Possibly.</p> <p>16 Q. You just don't recall?</p> <p>17 A. Don't recall.</p> <p>18 Q. Had you ever e-mailed Diana prior to May 24?</p> <p>19 A. No.</p> <p>20 Q. And had you ever e-mailed Sandra prior to May</p> <p>21 24?</p> <p>22 A. No.</p> <p>23 Q. How did you have Diana's e-mail address?</p> <p>24 A. She gave it to me.</p> <p>25 Q. When?</p>

Nancy Friesen

32 (Pages 122 to 125)

Page 122	Page 124
<p>1 A. After May 24.</p> <p>2 Q. And how did you have Sandra's e-mail?</p> <p>3 A. The same.</p> <p>4 Q. Pardon?</p> <p>5 A. The same.</p> <p>6 Q. She gave it to you after May 24?</p> <p>7 A. Yes.</p> <p>8 Q. And did you have a business card from</p> <p>9 Ms. Jamil?</p> <p>10 A. I'm not sure. I likely did. Don't have it</p> <p>11 now.</p> <p>12 Q. Is that where the e-mail address was located?</p> <p>13 A. It may have been.</p> <p>14 Q. You just don't recall?</p> <p>15 A. I don't recall.</p> <p>16 Q. And when you e-mailed Amber Jamil, what did</p> <p>17 that e-mail say? The first one.</p> <p>18 A. It would be telling her what happened.</p> <p>19 Q. What happened on May 24?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is that yes?</p> <p>22 A. Yes.</p> <p>23 Q. And on how many occasions did you e-mail Amber</p> <p>24 Jamil?</p> <p>25 A. I don't know.</p>	<p>1 there anyone else?</p> <p>2 A. Possibly Richard Stephens.</p> <p>3 Q. Who is he?</p> <p>4 A. He's also with the NNOC.</p> <p>5 Q. And where is located?</p> <p>6 A. He was in Fort Worth.</p> <p>7 Q. Fort Worth, Texas?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Is that yes?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall receiving a response e-mail from</p> <p>12 Mr. Stephens?</p> <p>13 A. No.</p> <p>14 Q. He could have. You just don't remember one</p> <p>15 way or the other?</p> <p>16 A. He likely would have telephoned.</p> <p>17 Q. Pardon?</p> <p>18 A. He likely would have telephoned.</p> <p>19 Q. And when did you meet Mr. Stephens?</p> <p>20 A. Oh, I think in April of '07.</p> <p>21 Q. And what was the occasion for you to meet with</p> <p>22 Mr. Stephens?</p> <p>23 A. He was working with the NNOC.</p> <p>24 Q. And why were you meeting with the NNOC in</p> <p>25 April of '07?</p>
Page 123	Page 125
<p>1 Q. Was it more than one?</p> <p>2 A. Yes.</p> <p>3 Q. Was it more than four?</p> <p>4 A. I don't know.</p> <p>5 Q. Did you get a response e-mail from Ms. Jamil?</p> <p>6 A. Yes.</p> <p>7 Q. And how many response e-mails did you get?</p> <p>8 A. I don't know.</p> <p>9 Q. Was it more than four?</p> <p>10 A. I don't know.</p> <p>11 Q. You don't have any idea?</p> <p>12 A. No.</p> <p>13 Q. Did you print those e-mails off?</p> <p>14 A. No.</p> <p>15 Q. Do you have those recorded anywhere –</p> <p>16 A. No.</p> <p>17 Q. – pardon – anywhere on your computer?</p> <p>18 A. No.</p> <p>19 Q. Do you still have the same computer that you</p> <p>20 used to send those e-mails?</p> <p>21 A. Yes.</p> <p>22 Q. And just to make sure I have everyone, so</p> <p>23 between – the e-mails that you had sent or received</p> <p>24 between May 24 and June 1st concerning the events of</p> <p>25 May 24, that was Diana, Amber Jamil and Sandra. Is</p>	<p>1 A. Just an information meeting about our house</p> <p>2 bill.</p> <p>3 Q. And where did that meeting take place?</p> <p>4 A. Dallas area.</p> <p>5 Q. Was it at a hotel or somewhere else?</p> <p>6 A. A restaurant.</p> <p>7 Q. A restaurant. Were Diana and Sandra there?</p> <p>8 A. I'm not sure.</p> <p>9 Q. Were Diana and Sandra with you on the trip to</p> <p>10 Austin in November or December of '06?</p> <p>11 A. No.</p> <p>12 Q. Did you go with – how did you get down to</p> <p>13 Austin? Just drive?</p> <p>14 A. Drive.</p> <p>15 Q. Did you carpool with anyone down there?</p> <p>16 A. I don't recall.</p> <p>17 Q. Okay. And so you indicated that between May</p> <p>18 24 and June 1st you sent an e-mail to Diana about the</p> <p>19 events of May 24, correct?</p> <p>20 A. Yes.</p> <p>21 Q. What did you say in that e-mail?</p> <p>22 A. I don't remember.</p> <p>23 Q. Do you remember anything about that e-mail?</p> <p>24 A. No, I don't remember.</p> <p>25 Q. Do you remember anything about any of the</p>

Nancy Friesen

38 (Pages 146 to 149)

Page 146	Page 148
<p>1 A. Just two days.</p> <p>2 Q. Pardon?</p> <p>3 A. Two days.</p> <p>4 Q. You stayed over two nights?</p> <p>5 A. The day coming, stay over one night, and I</p> <p>6 believe we went home the next day.</p> <p>7 Q. And did you meet Mr. Moore?</p> <p>8 A. Yes, I did.</p> <p>9 Q. And was this at the screening?</p> <p>10 A. Yes.</p> <p>11 Q. And did you give any public comments at that</p> <p>12 screening?</p> <p>13 A. No.</p> <p>14 Q. And the NNOC, did they sponsor the screening?</p> <p>15 A. I think it was the CNA.</p> <p>16 Q. CNA. And how did you find out – how did you</p> <p>17 get invited to this?</p> <p>18 A. The NNOC would have invited us.</p> <p>19 Q. Who – who contacted you?</p> <p>20 A. Richard Stephens, I think.</p> <p>21 Q. And was he there as well?</p> <p>22 A. Yes.</p> <p>23 Q. And there's a picture it looks like of a – of</p> <p>24 a protest. Do you see that on the first page of the</p> <p>25 exhibit?</p>	<p>1 children present?</p> <p>2 A. No, I don't think – believe.</p> <p>3 Q. And what are the ages of those children?</p> <p>4 A. Nine, 10 and 13.</p> <p>5 Q. That was their age at the time?</p> <p>6 A. Well, no, subtract a year.</p> <p>7 Q. So eight, nine and 12?</p> <p>8 A. Eight, nine and 12.</p> <p>9 Q. And are these your adopted children?</p> <p>10 A. Yes.</p> <p>11 Q. Any other children present?</p> <p>12 A. I don't believe.</p> <p>13 Q. Were they in school at that time or was school</p> <p>14 over with?</p> <p>15 A. School – school was out.</p> <p>16 Q. And there's reference in this newspaper</p> <p>17 article that the NNOC had been knocking on doors</p> <p>18 circulating a petition. Do you see that?</p> <p>19 A. We had been doing that.</p> <p>20 Q. Who is "we"?</p> <p>21 A. We nurses.</p> <p>22 Q. The three of you?</p> <p>23 A. The three of us and some others that came to</p> <p>24 help.</p> <p>25 Q. And who were those others?</p>
Page 147	Page 149
<p>1 A. Uh-huh.</p> <p>2 Q. Is that yes?</p> <p>3 A. Yes.</p> <p>4 Q. And the article itself says that the three</p> <p>5 nurses and about two dozen supporters were at the</p> <p>6 rally. Is that –</p> <p>7 A. Yes.</p> <p>8 Q. – your recollection?</p> <p>9 A. How many nurses did it say?</p> <p>10 Q. It said "the three nurses" –</p> <p>11 A. Yes. Yes. Okay.</p> <p>12 Q. – "and about two dozen supporters"?</p> <p>13 A. Yes.</p> <p>14 Q. Is that accurate?</p> <p>15 A. That's about accurate.</p> <p>16 Q. And – and where did that rally take place?</p> <p>17 A. Behind the hospital on the street.</p> <p>18 Q. And it says there were children present. Do</p> <p>19 you recall children being present?</p> <p>20 A. Absolutely.</p> <p>21 Q. Whose children were they?</p> <p>22 A. Mine.</p> <p>23 Q. How many children were there?</p> <p>24 A. Three.</p> <p>25 Q. Other than your three children, were any other</p>	<p>1 A. I don't know their names, who came. Mainly it</p> <p>2 was us three and my children.</p> <p>3 Q. And where did you – were you walking around</p> <p>4 in the Mesquite neighborhoods?</p> <p>5 A. Yes.</p> <p>6 Q. Anywhere else?</p> <p>7 A. No.</p> <p>8 Q. Do you know Clair Jordan?</p> <p>9 A. No.</p> <p>10 Q. Are you familiar with the Texas Nurses</p> <p>11 Association?</p> <p>12 A. Yes.</p> <p>13 Q. How are you familiar with them?</p> <p>14 A. Because – how am I familiar with them?</p> <p>15 Because they're supposed to be our professional –</p> <p>16 nursing professional organization in Texas.</p> <p>17 Q. Are you a member of that organization?</p> <p>18 A. No.</p> <p>19 Q. Pardon?</p> <p>20 A. No.</p> <p>21 Q. Do you know Rosemary Luquire?</p> <p>22 A. No.</p> <p>23 Q. Was Baylor one of the hospitals you applied?</p> <p>24 A. Yes.</p> <p>25 Q. I'm going to hand you what's been marked</p>

NANCY L. FRIESEN

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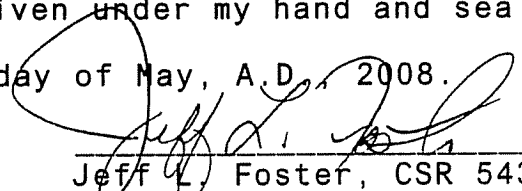
1 COUNTY OF DALLAS)

2 STATE OF TEXAS)

3 I, Jeff L. Foster, certified shorthand
4 reporter in and for the State of Texas, do hereby
5 certify that the facts as stated by me in the caption
6 hereto are true; that there came before me the
7 aforementioned named person, who was by me duly sworn
8 to testify the truth concerning the matters in
9 controversy in this cause; and that the examination was
10 reduced to writing by computer transcription under my
11 supervision; that the deposition is a true record of
12 the testimony given by the witness.

13 I further certify that I am neither
14 attorney or counsel for, nor related to or employed by,
15 any of the parties to the action in which this
16 deposition is taken, and further that I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto, or financially
19 interested in the action.

20 Given under my hand and seal of office on
21 this, the 27th day of May, A.D., 2008.

22 
23 Jeff L. Foster, CSR 5434
24 Expiration Date: 12/31/2008
25 Firm Registration No. 209
5220 Renaissance Tower
Dallas, Texas 75270
(214) 855-5300

DIANA S. SEPEDA

1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SANDRA TAYLOR, RN,
DIANA SEPEDA, RN,
NANCY FRIESEN, RN,

Plaintiffs,

vs.

LONE STAR HMA, LP d/b/a DALLAS
REGIONAL MEDICAL CENTER,

Defendant.

CIVIL ACTION

NO.

3:07-CV-1931-M

ORAL DEPOSITION OF

DIANA S. SEPEDA

June 16, 2008

COPY

ORAL DEPOSITION of DIANA S. SEPEDA, taken
at the instance of the Defendant, on the 16th of June,
2008, in the above styled and numbered cause at the
offices of Art Brender, 600 Eighth Avenue,
Fort Worth, Texas, before Jeff L. Foster, a Certified
Shorthand Reporter in and for the State of Texas,
pursuant to the Federal Rules of Civil Procedure and
the provisions stated on the record.

DIANA S. SEPEDA

2

A P P E A R A N C E S

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APPEARING FOR THE DEFENDANT:

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Dallas, Texas 75202

ALSO APPEARING

Ms. Sandra Taylor
Ms. Bridget Defelice

Diana Sepeda

29 (Pages 110 to 113)

Page 110	Page 112
<p>1 A. Correct.</p> <p>2 Q. And on how many occasions did you speak with</p> <p>3 Nancy Friesen by phone on the night of May 24th?</p> <p>4 A. I don't remember. You have my phone log right</p> <p>5 there.</p> <p>6 Q. Why did you call Nancy Friesen?</p> <p>7 A. Because I was in shock that we were terminated</p> <p>8 or we were sent home.</p> <p>9 Q. And tell me what -- what the two of you talked</p> <p>10 about during that telephone call.</p> <p>11 A. I don't recall. I just know that I was</p> <p>12 shocked that -- I do remember that, that I was very</p> <p>13 shocked that we were sent home.</p> <p>14 Q. And so other than remembering you were shocked</p> <p>15 that you were sent home, you don't remember anything</p> <p>16 else you discussed with Ms. Friesen?</p> <p>17 A. That I recall, no.</p> <p>18 Q. Did you take any notes of that conversation?</p> <p>19 A. No, sir.</p> <p>20 Q. You also called Sandra Taylor that night,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. And on how many occasions did you call Sandra</p> <p>24 Taylor on the night of May 24?</p> <p>25 A. I don't recall.</p>	<p>1 A. Correct.</p> <p>2 Q. Did Ms. Jamil call you back on that day?</p> <p>3 A. I don't recall.</p> <p>4 Q. Do you recall when you first spoke with</p> <p>5 Ms. Jamil?</p> <p>6 A. No, I don't.</p> <p>7 Q. Were you in contact with Ms. Jamil -- well,</p> <p>8 strike that.</p> <p>9 Your telephone records indicate that you</p> <p>10 had telephoned Ms. Jamil on May 20th of 2007. Do you</p> <p>11 recall what that conversation was about?</p> <p>12 A. No, I don't.</p> <p>13 Q. In this May time frame, were -- was NNOC</p> <p>14 organizing another push to get the legislation passed</p> <p>15 that they wanted passed in the Texas legislature?</p> <p>16 A. I don't recall.</p> <p>17 Q. Well, you've already testified that on June</p> <p>18 4th, 2007 you were at an NNOC meeting, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Was that meeting scheduled before May 24th?</p> <p>21 A. I don't recall.</p> <p>22 Q. How did you get invited to that meeting?</p> <p>23 A. I was -- I don't remember. I really don't. I</p> <p>24 don't remember.</p> <p>25 Q. And after May 24th, were you flown to</p>
Page 111	Page 113
<p>1 Q. It was a number of times, right?</p> <p>2 A. I don't recall.</p> <p>3 Q. Well, what did you and Ms. Taylor discuss</p> <p>4 during those telephone conversations on the night of</p> <p>5 May 24th?</p> <p>6 A. The same situation, that I was very shocked</p> <p>7 that we were sent home.</p> <p>8 Q. And other than you speaking with Ms. Taylor</p> <p>9 about the fact that you were shocked that you were sent</p> <p>10 home, do you recall anything else that was discussed</p> <p>11 during those conversations?</p> <p>12 A. No, sir.</p> <p>13 Q. When is the first time you contacted the NNOC</p> <p>14 after you were sent home?</p> <p>15 A. I think the next day, from -- from the phone</p> <p>16 logs, Amber. I contacted her the next day, but she was</p> <p>17 on voicemail, so she never contacted me back. She</p> <p>18 never called me back that day.</p> <p>19 Q. So -- and let me just make sure I have this</p> <p>20 right. So you left -- you clocked out on May 24 and</p> <p>21 went home, and the first time you spoke with anyone at</p> <p>22 NNOC was the following day, May 25th, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And you called and left a voicemail message</p> <p>25 with Amber Jamil?</p>	<p>1 California for a special showing of -- of a Michael</p> <p>2 Moore documentary?</p> <p>3 A. I think -- when?</p> <p>4 Q. I said after May 24 of 2000 --</p> <p>5 A. Yes.</p> <p>6 Q. Excuse me. Let me restate the date. After</p> <p>7 May 24 of 2007, were you flown to California for a</p> <p>8 special showing of the Michael Moore documentary?</p> <p>9 A. Yes, I was.</p> <p>10 Q. And that was paid for by the NNOC?</p> <p>11 A. Correct.</p> <p>12 Q. And did you meet Mr. Moore?</p> <p>13 A. No, I did not.</p> <p>14 Q. And on this trip you went, Sandra Taylor went</p> <p>15 and Nancy Friesen went, correct?</p> <p>16 A. I don't know if Nancy went, but I know Sandra</p> <p>17 and I did.</p> <p>18 Q. You don't remember seeing Ms. Friesen at this</p> <p>19 event?</p> <p>20 A. I don't.</p> <p>21 Q. Who invited you to the event?</p> <p>22 A. Richard Stephens.</p> <p>23 Q. And he's in Fort Worth?</p> <p>24 A. I don't know where he's at now. He's an</p> <p>25 organizer for the Dallas area.</p>

Diana Sepeda

30 (Pages 114 to 117)

Page 114	Page 116
<p>1 Q. Did he tell you why he was inviting you?</p> <p>2 A. We were going to go meet Michael Moore and see</p> <p>3 him speak on issues of healthcare.</p> <p>4 Q. And was this event in Sacramento?</p> <p>5 A. Yes.</p> <p>6 Q. Did you give any media interviews during this</p> <p>7 event?</p> <p>8 A. No, sir, that I recall.</p> <p>9 Q. So at least on -- so on June 4, 2007 -- you</p> <p>10 talked about a meeting that you had with the NNOC</p> <p>11 group, correct?</p> <p>12 A. On June 4th?</p> <p>13 Q. Yes.</p> <p>14 A. Yes.</p> <p>15 Q. And in that meeting -- it's your contention</p> <p>16 that meeting didn't have anything specifically to do</p> <p>17 with the defendant hospital, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And so it would be fair to say that in the</p> <p>20 June 4, 2007 time frame, the NNOC was actively planning</p> <p>21 to reintroduce the legislation that had not passed the</p> <p>22 Texas assembly concerning patient/nurse ratios; is that</p> <p>23 correct?</p> <p>24 MS. HIGGINBOTHAM: Form.</p> <p>25 A. Well, we were discussing issues on patient</p>	<p>1 Q. And did that include changing the Safe Harbor</p> <p>2 rules in Texas?</p> <p>3 A. Not at that point. Just the whistleblower</p> <p>4 protection and so forth.</p> <p>5 Q. Why were you calling Amber Jamil on May 24th?</p> <p>6 Or excuse me, May 25th.</p> <p>7 A. I don't remember.</p> <p>8 Q. What did you say in the message you left with</p> <p>9 her?</p> <p>10 A. I don't remember.</p> <p>11 Q. Did it involve the circumstances surrounding</p> <p>12 your departure on May 24th from the hospital?</p> <p>13 A. You know, I don't remember.</p> <p>14 Q. Did you send any e-mails on the night of</p> <p>15 May 24th?</p> <p>16 A. No, I did not.</p> <p>17 Q. Did you -- have you ever sent e-mails to the</p> <p>18 NNOC about your -- about the events of May 24th?</p> <p>19 A. No, I have not.</p> <p>20 Q. Did you send any e-mails to Sandra Taylor on</p> <p>21 May 24th?</p> <p>22 A. No, I did not.</p> <p>23 Q. Did you send any e-mails at all on May 24th?</p> <p>24 A. No, I did not.</p> <p>25 Q. Okay. Have you ever sent any e-mails</p>
Page 115	Page 117
<p>1 safety and whistleblower protection and so forth.</p> <p>2 Q. (BY MR. BIRRER) And one of the issues you</p> <p>3 were discussing -- the NNOC was discussing is</p> <p>4 patient/nurse ratios, correct?</p> <p>5 A. Safe nurse/patient ratios.</p> <p>6 Q. So that was one of the issues, correct?</p> <p>7 A. That was one of the issues.</p> <p>8 Q. And that was happening in the May 2007 time</p> <p>9 frame also, correct?</p> <p>10 A. May 2007? Correct.</p> <p>11 Q. And were you disappointed that the Texas</p> <p>12 legislature had not passed the NNOC bill?</p> <p>13 A. Well, I think that -- not as much</p> <p>14 disappointed, because it did help us with one of the</p> <p>15 newer things that the TNA did, which notified and made</p> <p>16 aware of the nursing associations that we did need to</p> <p>17 change some laws. And they actually did change the</p> <p>18 Safe Harbor law into we could claim Safe Harbor at any</p> <p>19 time during the shift and we could report it to</p> <p>20 anybody.</p> <p>21 Q. And that happened when?</p> <p>22 A. I don't remember.</p> <p>23 Q. And so you were involved in working on</p> <p>24 changing the Safe Harbor in Texas?</p> <p>25 A. I was involved in doing patient advocacy.</p>	<p>1 concerning the circumstances of May 24th? Setting</p> <p>2 aside your attorney in this case.</p> <p>3 A. Just on my blog. Just from the termination.</p> <p>4 Q. And the blog is what we talked about earlier,</p> <p>5 correct?</p> <p>6 A. Yes. Correct.</p> <p>7 Q. But setting that aside, I'm talking about</p> <p>8 e-mails. Have you ever sent anyone -- setting aside</p> <p>9 your attorney, have you ever sent anyone an e-mail in</p> <p>10 which you discussed the events of May 24th?</p> <p>11 A. No, I did not.</p> <p>12 Q. You keep mentioning -- when we talk about the</p> <p>13 legislation, you keep mentioning about whistleblower.</p> <p>14 What -- what specifically are you trying to get the</p> <p>15 legislation to say?</p> <p>16 A. That we are -- when a nurse reports an unsafe</p> <p>17 condition such as real high acuity staffing or an</p> <p>18 unsafe environment, that we are protected from</p> <p>19 retaliation from any of the hospitals when we do</p> <p>20 complain about the unsafe assignment and the high</p> <p>21 acuity and so forth.</p> <p>22 Q. And you had talked earlier about, you know,</p> <p>23 conversations at Medical Center of Mesquite where you</p> <p>24 had raised issues about staffing with Linda Iserman.</p> <p>25 A. Correct.</p>

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42 (Pages 162 to 165)

Page 162	Page 164
<p>1 A. Yes, sir.</p> <p>2 Q. And you've been advocating that now, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And you were advocating that before May 24th,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. Have you had conversations with anyone in</p> <p>8 which you've said we should publicize the circumstances</p> <p>9 surrounding our termination of the three plaintiffs in</p> <p>10 this lawsuit in order to help potentially pass that</p> <p>11 legislation?</p> <p>12 A. Publicize as far as —</p> <p>13 Q. Any way.</p> <p>14 A. We've spoken to the union hall regarding the</p> <p>15 law that we want to pass for patient safety. That's</p> <p>16 one of them. Basically that's all I can recall.</p> <p>17 Q. Did you say "union hall"?</p> <p>18 A. Yes, it's called union hall, but that's where</p> <p>19 all the AF-CIOs and —</p> <p>20 Q. And so what you've discussed in the union hall</p> <p>21 is publicizing the current situation in order to help</p> <p>22 try to pass the legislation; is that correct?</p> <p>23 A. Correct.</p> <p>24 Q. And including publicizing this lawsuit; is</p> <p>25 that correct?</p>	<p>1 Q. And where — you said "union hall." Where is</p> <p>2 the union hall?</p> <p>3 A. Somewhere downtown. I want to say</p> <p>4 Grand Prairie, but don't hold me to it.</p> <p>5 Q. Okay. And is that the NNOC union hall?</p> <p>6 A. No, it's the AF-CIO and so forth, yeah.</p> <p>7 Q. And have you been to meetings at that union</p> <p>8 hall?</p> <p>9 A. Not recently.</p> <p>10 Q. When is the last time you were at a meeting</p> <p>11 there?</p> <p>12 A. I cannot recall. And it was not the meeting.</p> <p>13 It was just the meeting again for — for public</p> <p>14 awareness of we're trying to pass this bill.</p> <p>15 Q. Have you ever had conversations in that union</p> <p>16 hall concerning the circumstances surrounding your</p> <p>17 termination?</p> <p>18 A. No.</p> <p>19 Q. Did you report — based on the circumstances</p> <p>20 of May 24th, did you report anyone at the hospital to</p> <p>21 the Board of Nurse Examiners?</p> <p>22 A. No.</p> <p>23 (Deposition Exhibit 19 marked.)</p> <p>24 Q. (BY MR. BIRRER) I'm going to show you what</p> <p>25 has been marked Deposition Exhibit 19. Have you seen</p>
Page 163	Page 165
<p>1 A. No, not the lawsuit.</p> <p>2 Q. Well, publicizing, I guess, just the events of</p> <p>3 May 24th; is that correct?</p> <p>4 A. No, just publicizing that we need to pass the</p> <p>5 legislative (sic) of the patient safety ratio.</p> <p>6 Q. Right. And what I'm asking you, though, is</p> <p>7 you've — you've been in the media about your</p> <p>8 termination on May 24th, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And have you ever had a conversation with</p> <p>11 anyone in which you said it might — in order to help</p> <p>12 pass the legislation, it might be helpful to publicize</p> <p>13 the circumstances surrounding our termination?</p> <p>14 A. No.</p> <p>15 Q. You've never had that conversation with</p> <p>16 anybody.</p> <p>17 A. No, just the NNOC to get it moving to pass our</p> <p>18 law. So, no.</p> <p>19 Q. Okay. But have you had that conversation with</p> <p>20 the NNOC, I guess, that maybe we should publicize the</p> <p>21 circumstances surrounding our termination?</p> <p>22 A. No.</p> <p>23 Q. And has anyone at the NNOC ever made that</p> <p>24 recommendation to you?</p> <p>25 A. No.</p>	<p>1 that document before?</p> <p>2 A. Yes.</p> <p>3 Q. What is it?</p> <p>4 A. This petition for the — for reinstatement of</p> <p>5 our jobs.</p> <p>6 Q. Did you help get the signatures on that?</p> <p>7 A. Yes, I did.</p> <p>8 Q. And how did you get the signatures on</p> <p>9 Deposition Exhibit 19?</p> <p>10 A. We walked around the neighborhood.</p> <p>11 Q. Who is "we"?</p> <p>12 A. Sandra and I.</p> <p>13 Q. Was Nancy Friesen with you?</p> <p>14 A. Yes, she was.</p> <p>15 Q. What neighborhood?</p> <p>16 A. Around the Mesquite area, the Galloway area</p> <p>17 Q. And did you knock on people's doors?</p> <p>18 A. Yes, we did.</p> <p>19 Q. Who gave you this petition to carry around?</p> <p>20 A. The NNOC.</p> <p>21 Q. Are they the ones that drafted it?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And when you went around with this petition,</p> <p>24 you were still an employee of the — of the hospital?</p> <p>25 A. What date is that?</p>

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43 (Pages 166 to 169)

Page 166	Page 168
<p>1 Q. May 30, 2007?</p> <p>2 A. Yes, we were. Because we didn't get</p> <p>3 terminated until July.</p> <p>4 Q. Until when?</p> <p>5 A. Until June. I'm sorry.</p> <p>6 Q. And this Concerned Citizens Panel, do you see</p> <p>7 that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Who picked who would be on the Concerned</p> <p>10 Citizens Panel?</p> <p>11 A. The NNOC.</p> <p>12 Q. William McElvaney, do you know him?</p> <p>13 A. No, sir.</p> <p>14 Q. Gene Lantz, do you know him?</p> <p>15 A. Yes, sir.</p> <p>16 Q. How do you know Gene Lantz?</p> <p>17 A. He's a radio talk show host.</p> <p>18 Q. Here in Dallas?</p> <p>19 A. Yes, sir.</p> <p>20 Q. What channel?</p> <p>21 A. I don't recall.</p> <p>22 Q. Have you ever been on his show?</p> <p>23 A. No, sir.</p> <p>24 Q. Have you ever been on a radio call-in show?</p> <p>25 A. No, sir.</p>	<p>1 Q. And did you – and you attended that meeting?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Tell me what happened at that meeting. Let me</p> <p>4 break it down a little bit more. So on June 1st you</p> <p>5 did attend a meeting in human resources, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And when you arrived, Chris Loyd and April</p> <p>8 Collier were in the room, correct?</p> <p>9 A. That I remember, yes.</p> <p>10 Q. And did you come with some other people to</p> <p>11 that meeting?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Who did you come with?</p> <p>14 A. I came with Amber Jamil and Richard Stephens.</p> <p>15 Q. Anyone else?</p> <p>16 A. Sandra and Nancy. Katherine, that I can</p> <p>17 remember. That's pretty much all the –</p> <p>18 Q. And why were Amber and Richard there?</p> <p>19 A. For support.</p> <p>20 Q. Just moral support?</p> <p>21 A. Support, yes.</p> <p>22 Q. And I guess the same with Katherine; is that</p> <p>23 right?</p> <p>24 A. Yes, they're all nurses who met Katherine.</p> <p>25 Q. Other than Sandra and Nancy, were there any</p>
Page 167	Page 169
<p>1 Q. Jeff Dillon. Do you know Jeff Dillon?</p> <p>2 A. No, sir.</p> <p>3 Q. How did Jeff Dillon find out about this?</p> <p>4 A. I don't know.</p> <p>5 Q. And do you know how Gene Lantz signed his name</p> <p>6 to this?</p> <p>7 A. I don't know.</p> <p>8 Q. Who handed you this letter, which is the first</p> <p>9 page of Deposition Exhibit 19?</p> <p>10 A. Richard Stephens.</p> <p>11 Q. And so he gave you the letter in addition to</p> <p>12 the blank spreadsheet where you could have people sign</p> <p>13 up?</p> <p>14 A. Yes, sir.</p> <p>15 (Deposition Exhibit 20 marked.)</p> <p>16 Q. (BY MR. BIRRER) I'm going to show you what's</p> <p>17 been marked Deposition Exhibit 20. Have you seen</p> <p>18 Deposition exhibit 20 before?</p> <p>19 A. Yes, sir.</p> <p>20 Q. What is it?</p> <p>21 A. It is a letter from Chris Loyd in human</p> <p>22 resources?</p> <p>23 Q. And did you attend a meeting at human</p> <p>24 resources on June 1st?</p> <p>25 A. Yes, sir.</p>	<p>1 nurses from defendant hospital that were with you?</p> <p>2 A. Toward the end Chidi, C-H-I-D-I, was there,</p> <p>3 but towards the end.</p> <p>4 Q. And so where did the meeting take place? In</p> <p>5 the human resource director's office; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. How long did the meeting last?</p> <p>8 A. I don't recall.</p> <p>9 Q. And what do you recall happening during the</p> <p>10 meeting?</p> <p>11 A. I remember telling him that – I think we have</p> <p>12 documentation. He has – he sent me – I don't</p> <p>13 remember. I proceeded to inform him that my rights</p> <p>14 were violated, because I did advocate for my patients,</p> <p>15 and he said he didn't want to hear that. He just</p> <p>16 wanted to hear what happened that night.</p> <p>17 Q. Of May 24th?</p> <p>18 A. May 24th, 2007.</p> <p>19 Q. So how did you respond?</p> <p>20 A. I told him, "Well, this is what I'm giving</p> <p>21 you."</p> <p>22 Q. And what is "this"?</p> <p>23 A. The –</p> <p>24 Q. Is that the document we looked at earlier?</p> <p>25 A. Yes, the one I had written out.</p>

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Page 170	Page 172
<p>1 MS. HIGGINBOTHAM: Number 15. 2 Q. (BY MR. BIRRER) Deposition Exhibit 15, I 3 believe? 4 MR. BIRRER: Could we go off the record 5 for a second? 6 MS. HIGGINBOTHAM: You bet. 7 (Discussion off the record.) 8 Q. (BY MR. BIRRER) And so you handed to Chris 9 Loyd a copy of Deposition Exhibit 15; is that correct? 10 A. Correct. 11 Q. And did you hand him a copy of Deposition 12 Exhibit 19? 13 A. Yes, sir. 14 Q. Did you give him anything else? 15 A. That I can recall, no. 16 Q. And other than what you've already testified 17 to, do you recall anything else that you said to 18 Mr. Loyd or Ms. Collier during that meeting? 19 A. That I can recall, no. Well, other than my 20 testimony and -- 21 Q. When you say "testimony," what are you talking 22 about? 23 A. I'm sorry, this one. 24 Q. Deposition Exhibit 15? 25 A. Deposition Exhibit 15, yes.</p>	<p>1 A. I don't recall. 2 Q. Were you and the other group you were with, 3 did you guys start chanting slogans or something in the 4 parking lot afterwards? 5 A. I don't recall. 6 Q. How did the NNOC even know about the meeting 7 that was going to take place on June 1st? 8 A. May 20 what? 9 Q. Well, there's a meeting on June 1st -- 10 A. Right. 11 Q. -- that you had with Chris Loyd, correct? 12 A. Correct. 13 Q. And you brought with you some NNOC folks to 14 that meeting, correct? 15 A. Correct. 16 Q. How did they even know you were supposed to 17 meet with Chris Loyd on May -- excuse me, on June 1st? 18 A. I'm assuming Amber told Richard, and I don't 19 know who called her. I don't know if it was -- I don't 20 remember calling her. 21 Q. And so we've already talked about how you 22 found out your employment was terminated, correct? 23 A. Correct. 24 Q. Did you have a conversation with anybody else 25 other than that one phone conversation in which</p>
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<p>1 Q. Okay. 2 A. And I informed him that my rights were 3 violated, that I wish that we could work this out here 4 in the office and not -- since he had violated my civil 5 rights that we wouldn't go before -- a public court 6 appearance to settle the situation. 7 Q. That's what you told him at the meeting? 8 A. Yes. And he told me that all he wanted to 9 hear about was this. 10 Q. And when you say "this," you're talking about 11 May 24th? 12 A. Yes. 13 Q. So he was -- so what he was telling you is, 14 "I'm just trying to collect facts on what happened on 15 May 24th," correct? 16 A. Correct. 17 Q. Did Ms. Collier say anything during the 18 meeting? 19 A. No, sir. 20 Q. Did you know her? 21 A. No, sir. 22 Q. How did the meeting end? 23 A. I thanked him for his time and I left. 24 Q. And did you sort of have a mini-rally 25 downstairs after the meeting was over?</p>	<p>1 somebody told you your employment was terminated? 2 A. No. 3 Q. Do you know Stephanie Tibone? 4 A. No, I don't recall knowing her. No. 5 Q. Have you ever met her? 6 A. (Witness shakes head.) 7 Q. Do you know who she is at all? 8 A. I don't think so, no. 9 Q. Okay. 10 MR. BIRRER: If we could take a quick 11 break, we might be about done. 12 (Recess taken.) 13 Q. (BY MR. BIRRER) Okay. I just want to get the 14 timeline straight. So it looks like you were at the 15 hospital on May 24th for about 30 or so minutes. 16 Actually, exactly 30 minutes. And when we were going 17 through the sequence of events earlier, it seemed like 18 everything was happening pretty quickly. Was there any 19 dead time in there when you were just waiting around 20 for something to happen? Does that make sense -- my 21 question make sense? 22 A. When I was waiting for P.J. to call back, I 23 was waiting at the desk. 24 Q. Okay. And after P.J. called back and you had 25 the conversation with P.J., is that when you -- and</p>

DIANA S. SEPEDA

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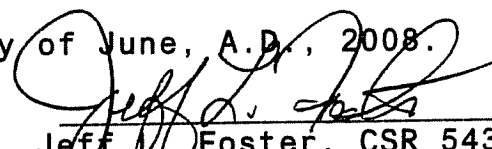
1 COUNTY OF DALLAS)

2 STATE OF TEXAS)

3 I, Jeff L. Foster, certified shorthand
4 reporter in and for the State of Texas, do hereby
5 certify that the facts as stated by me in the caption
6 hereto are true; that there came before me the
7 aforementioned named person, who was by me duly sworn
8 to testify the truth concerning the matters in
9 controversy in this cause; and that the examination was
10 reduced to writing by computer transcription under my
11 supervision; that the deposition is a true record of
12 the testimony given by the witness.

13 I further certify that I am neither
14 attorney or counsel for, nor related to or employed by,
15 any of the parties to the action in which this
16 deposition is taken, and further that I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto, or financially
19 interested in the action.

20 Given under my hand and seal of office on
21 this, the 25th day of June, A.D., 2008.

22 
23 Jeff L. Foster, CSR 5434
24 Expiration Date: 12/31/2008
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UARS

800-445-7718

App. 62

SANDRA R. TAYLOR

1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SANDRA TAYLOR, RN,
DIANA SEPEDA, RN,
NANCY FRIESEN, RN,

Plaintiffs,

vs.

LONE STAR HMA, LP d/b/a DALLAS
REGIONAL MEDICAL CENTER,

Defendant.

)
)
)
)
) CIVIL ACTION
) NO.
) 3:07-CV-1931-M
)
)
)
)

ORAL DEPOSITION OF

SANDRA R. TAYLOR

June 17, 2008

ORAL DEPOSITION of SANDRA R. TAYLOR,

taken at the instance of the Defendant, on the 17th of
June, 2008, in the above styled and numbered cause at
the offices of Art Brender, 600 Eighth Avenue,
Fort Worth, Texas, before Jeff L. Foster, a Certified
Shorthand Reporter in and for the State of Texas,
pursuant to the Federal Rules of Civil Procedure and
the provisions stated on the record.

SANDRA R. TAYLOR

2

A P P E A R A N C E S

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-and-

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ALSO APPEARING

Ms. Diana Sepeda
Mr. Tom Jacob

Sandra Taylor

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<p>1 Q. When all of this was happening?</p> <p>2 A. When all of this was happening.</p> <p>3 Q. And even though you can't remember exactly</p> <p>4 where she was, do you remember seeing Nancy Friesen?</p> <p>5 A. Yes, I remember seeing Nancy there.</p> <p>6 Q. At the time you were calling Linda?</p> <p>7 A. Oh, no, no. I don't remember seeing Nancy</p> <p>8 when I was talking to Linda.</p> <p>9 Q. Okay. And so you hand the phone to Diana to</p> <p>10 speak with Linda Iserman, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And what did Diana -- what did you hear Diana</p> <p>13 say?</p> <p>14 A. I didn't hear Diana say anything, because I</p> <p>15 left and went to the other phone to call the</p> <p>16 supervisor. And at this time it was P.J., because I</p> <p>17 was going to try to talk to the supervisor and see if</p> <p>18 we could work this out.</p> <p>19 Q. Okay.</p> <p>20 A. That's why I hung around to see if we could</p> <p>21 work this out. Because the last thing I wanted to</p> <p>22 happen is to be terminated and I wanted to be able to</p> <p>23 work that shift.</p> <p>24 And so I called P.J., and as soon as I</p> <p>25 got on the phone and started telling P.J. what was -- I</p>	<p>1 next.</p> <p>2 Q. Who's "we"?</p> <p>3 A. Diana, Nancy and I. And I said we need to go</p> <p>4 and talk to -- we need go talk to the D.O.N. the next</p> <p>5 morning, and so --</p> <p>6 Q. Where did that -- were you talking in the</p> <p>7 parking lot?</p> <p>8 A. I can't remember if we were at the parking lot</p> <p>9 or we were right outside the ICU. I can't remember</p> <p>10 where we were when we discussed it.</p> <p>11 Q. And so other than going to talk to the</p> <p>12 director of nursing, did you guys discuss any other</p> <p>13 plan of action?</p> <p>14 A. Yes, we did.</p> <p>15 Q. What did you discuss?</p> <p>16 A. Well, we needed to find out exactly what we</p> <p>17 were going to do. And so I called Amber, Amber Jamil.</p> <p>18 Q. With the NNOC?</p> <p>19 A. With the NNOC.</p> <p>20 Q. So you called her that night?</p> <p>21 A. I called her that night.</p> <p>22 Q. And did you reach her?</p> <p>23 A. At first I didn't. And she called me back.</p> <p>24 Q. That night on May 24th?</p> <p>25 A. Yes.</p>
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<p>1 didn't even get it out of my mouth what was going on.</p> <p>2 She said, "You clock out and you go home now." So I</p> <p>3 waited -- waited to see if they were going to try to</p> <p>4 work it out or what they were going to do. And by that</p> <p>5 time they had talked to Diana and Nancy. And so we all</p> <p>6 just left at the same time.</p> <p>7 Q. Did -- did -- when you were speaking with</p> <p>8 P.J., did you give the phone to Diana after you</p> <p>9 finished with P.J.?</p> <p>10 A. No, I think Diana called P.J.</p> <p>11 Q. Okay. And did you hear what Diana said to</p> <p>12 P.J.?</p> <p>13 A. I don't remember. The only thing -- I don't</p> <p>14 know what P.J. said, but I remember Diana saying</p> <p>15 something about as a professional -- I don't know</p> <p>16 exactly what it was, but she said -- when she got off</p> <p>17 the phone, she said, "P.J. said that I was not</p> <p>18 professional."</p> <p>19 Q. Okay. And then -- and then did -- after Diana</p> <p>20 hung up with P.J., did you, Diana and Nancy then clock</p> <p>21 out and go home?</p> <p>22 A. Yes. I went to my locker and picked up some</p> <p>23 items and then we went outside ICU and clocked out.</p> <p>24 Q. And then did you just drive home?</p> <p>25 A. We -- we talked about what we were going to do</p>	<p>1 Q. And tell me about your conversation with</p> <p>2 Amber Jamil.</p> <p>3 A. I don't remember exactly what was going on,</p> <p>4 but I told her that we had planned to try to go to the</p> <p>5 director of nursing and try to work this out. And she</p> <p>6 said that that -- that that was a good thing, try to</p> <p>7 work it out with -- with the director of nursing.</p> <p>8 Q. Anything else that Amber told you?</p> <p>9 A. Nothing that night.</p> <p>10 Q. Let's stop right here for a second.</p> <p>11 A. Okay.</p> <p>12 Q. And I'm going to ask you some follow-up</p> <p>13 questions. So at the time that you were speaking with</p> <p>14 Linda and P.J. and Barbara about your -- your patient</p> <p>15 assignment that night, the only information you had on</p> <p>16 two patients is what came from the whiteboard, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And then on the third patient, the only</p> <p>19 information you had is what was on the whiteboard and</p> <p>20 the conversation you had with Jeanette in the hallway.</p> <p>21 A. That's correct.</p> <p>22 Q. Did you have any other information beyond what</p> <p>23 we've just recounted concerning those --</p> <p>24 A. I had no other information.</p> <p>25 Q. -- concerning those three patients?</p>

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Sandra Taylor

25 (Pages 94 to 97)

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<p>1 Q. And that's what Chidi told you she said?</p> <p>2 A. That's what Chidi told me that he said to</p> <p>3 Rick.</p> <p>4 Q. And Chidi is a man?</p> <p>5 A. Chidi is a man, yes.</p> <p>6 Q. So you spoke with Chidi –</p> <p>7 A. Chidi worked the dayshift.</p> <p>8 Q. Day ICU nurse.</p> <p>9 A. Yes. He used to work with us sometimes on</p> <p>10 nights, but he was a day ICU nurse.</p> <p>11 Q. And to your knowledge, did Chidi have any of</p> <p>12 the patients that were going to be assigned to you?</p> <p>13 A. I don't know if he had any of them or not.</p> <p>14 Q. And what did you say to Chidi during the call?</p> <p>15 A. I don't recall exactly what – the entire</p> <p>16 conversation. But he just told me – I don't know if</p> <p>17 he – I don't know if he also – there was several</p> <p>18 people that told us that it was a setup by</p> <p>19 administration, Barbara and the administration. But I</p> <p>20 don't know if Chidi said that that night or not. I</p> <p>21 think the only thing Chidi said was that he asked Rick</p> <p>22 not to do it.</p> <p>23 Q. Not to make the assignment?</p> <p>24 A. Not to make that assignment.</p> <p>25 Q. And that would have been, I guess, before you</p>	<p>1 legal representation?</p> <p>2 A. No, for legal counsel.</p> <p>3 Q. Legal counsel.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Did you – how did you get Liz's</p> <p>6 telephone number?</p> <p>7 A. I met Liz in Austin and it was at an NNOC</p> <p>8 meeting.</p> <p>9 Q. And was it an NNOC rally?</p> <p>10 A. I can't remember whether it was a rally or</p> <p>11 not.</p> <p>12 Q. On how many occasions had you met Liz prior to</p> <p>13 May 24th 2007?</p> <p>14 A. I can't remember that either.</p> <p>15 Q. Was it more than once?</p> <p>16 A. Probably more than once. But the reason why I</p> <p>17 contacted Liz now for legal counsel is because we went</p> <p>18 back to that hospital that morning and we attempted to</p> <p>19 talk to Mr. Morse, Tom Morse, who's the chief nursing</p> <p>20 officer.</p> <p>21 Q. Who's "we"?</p> <p>22 A. Diana, Nancy and myself. And I think Lisa</p> <p>23 Berry and Sharon Bush accompanied us.</p> <p>24 Q. Who were they?</p> <p>25 A. They were nurses from the nightshift.</p>
Page 95	Page 97
<p>1 showed up?</p> <p>2 A. That was before I showed up. That's correct.</p> <p>3 Q. And was it your turn to take a triple</p> <p>4 according to the triple log?</p> <p>5 A. I'm assuming that it was. I don't know.</p> <p>6 Q. And on the night of May 24th, did you send any</p> <p>7 e-mails when you got home?</p> <p>8 A. No, I did not.</p> <p>9 Q. Did you send any e-mails that you recall on</p> <p>10 May 25th?</p> <p>11 A. No, I did not.</p> <p>12 Q. Have you sent anyone any e-mails concerning</p> <p>13 the circumstances surrounding your termination?</p> <p>14 A. No, I have not. I don't recall ever sending</p> <p>15 any e-mails period.</p> <p>16 Q. Do you not use e-mail?</p> <p>17 A. I do not. I do not. We're computer</p> <p>18 illiterate.</p> <p>19 MS. SEPEDA: We are.</p> <p>20 THE WITNESS: Off the record.</p> <p>21 Q. (BY MR. BIRNER) All right. So on – and so</p> <p>22 you telephoned Liz Higginbotham on May 25th; is that</p> <p>23 correct?</p> <p>24 A. Yes, I did.</p> <p>25 Q. And was that for the purpose of obtaining</p>	<p>1 Q. ICU shift?</p> <p>2 A. ICU.</p> <p>3 Q. Had they been there on May 24th?</p> <p>4 A. They were there that night. And when we</p> <p>5 reached Mr. Morse's office, his secretary already knew</p> <p>6 who we were. She said, "Are you the nightshift nurses</p> <p>7 from ICU?" We said, "Yes." She said, "Mr. Morse says</p> <p>8 that he's not going to speak with you and to go to</p> <p>9 human resources."</p> <p>10 Q. And did – and so anything else that happened</p> <p>11 at that –</p> <p>12 A. No, we went to human resources. And when we</p> <p>13 reached human resources, the secretary said – we told</p> <p>14 her that we needed to talk to – what's his name?</p> <p>15 Q. Is it Chris Loyd?</p> <p>16 A. Chris Loyd. And she said that he was not in</p> <p>17 the office and he said that we could go home and that</p> <p>18 he would contact us.</p> <p>19 Q. And did Chris Loyd contact you?</p> <p>20 A. I think he did.</p> <p>21 Q. Did he set up a meeting?</p> <p>22 A. Yes, he did. And I can't think of what the</p> <p>23 time frame was. But during that interim, that's when</p> <p>24 we went outside and – and I said, "Well, I guess we</p> <p>25 better try to contact someone and talk to them about</p>

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App. 66

Sandra Taylor

27 (Pages 102 to 105)

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<p>1 A. Yes, I did.</p> <p>2 Q. If you'd let me finish my question. Did you</p> <p>3 go to a meeting at the defendant hospital on June 1st?</p> <p>4 A. Yes, I did.</p> <p>5 Q. And Chris Loyd was at that meeting?</p> <p>6 A. Yes, he was.</p> <p>7 Q. Was April Collier at that meeting also?</p> <p>8 A. Yes, she was. I'm assuming that's her name.</p> <p>9 Q. Had you met April Collier before?</p> <p>10 A. No, I have not and had not.</p> <p>11 (Deposition Exhibit 22 marked.)</p> <p>12 Q. (BY MR. BIRRER) I'm going to hand you what's</p> <p>13 been marked Deposition Exhibit 22. Could you identify</p> <p>14 that document?</p> <p>15 A. Yeah, this is a document that I – that I</p> <p>16 gave – typed up the next day and took to Chris Loyd.</p> <p>17 Q. So you typed – you created Exhibit 22 on May</p> <p>18 25th?</p> <p>19 A. Yes, I did.</p> <p>20 Q. And are you the one that typed this document</p> <p>21 up?</p> <p>22 A. My sister did.</p> <p>23 Q. What's the name of your sister?</p> <p>24 A. Bridget Ellison.</p> <p>25 Q. And where does Bridget –</p>	<p>1 Q. Okay.</p> <p>2 A. I'm sure they do.</p> <p>3 Q. Have you ever taken a patient to nuclear</p> <p>4 medicine?</p> <p>5 A. No. I think nuclear medicine – or the MRI is</p> <p>6 only open during the dayshift. The CT scanner is open,</p> <p>7 I think, during the nightshift. I can't remember</p> <p>8 whether nuclear medicine is open during the nights or</p> <p>9 not.</p> <p>10 Q. You just can't remember?</p> <p>11 A. I can't remember.</p> <p>12 Q. But sitting here today you can't recall ever</p> <p>13 taking a patient to nuclear medicine?</p> <p>14 A. Not to nuclear medicine. I have taken several</p> <p>15 to CT scan.</p> <p>16 Q. Okay. And did you review Deposition Exhibit</p> <p>17 22 before you gave it to human resources?</p> <p>18 A. Yes, I did.</p> <p>19 Q. Was this your attempt to be as – as full and</p> <p>20 complete and accurate as possible?</p> <p>21 A. This was my attempt to be as accurate as I</p> <p>22 possibly could, yes.</p> <p>23 Q. And you gave this to human resources on May</p> <p>24 25th?</p> <p>25 A. I can't remember whether I gave this to – I</p>
Page 103	Page 105
<p>1 A. Or Bridget Ellison Carroll. I'm sorry.</p> <p>2 Q. That's all right. Where does she live?</p> <p>3 A. She lives in Mesquite.</p> <p>4 Q. And did you write it out in longhand and give</p> <p>5 to her?</p> <p>6 A. No, I sat there and – and I read it and she</p> <p>7 typed it up. I mean, I told her what happened, and as</p> <p>8 I talked to her she wrote – typed it up.</p> <p>9 Q. And were there any drafts or was this the only</p> <p>10 draft?</p> <p>11 A. This is it.</p> <p>12 Q. Did you show anybody that document before you</p> <p>13 gave it to Chris Loyd other than your sister?</p> <p>14 A. No.</p> <p>15 Q. What is nuclear medicine?</p> <p>16 A. It's – it's an intensive scan.</p> <p>17 Q. And, I mean, can you be any more descriptive</p> <p>18 than that?</p> <p>19 A. Yes, it's – it is an invasive scanner that</p> <p>20 looks for conditions that – or some diagnosis, a bleed</p> <p>21 or something that doesn't show up on the regular</p> <p>22 CAT scan.</p> <p>23 Q. And do they have that type of scan at the</p> <p>24 Medical Center of Mesquite?</p> <p>25 A. I think they do, like the MRI scan, yes.</p>	<p>1 turned this – I didn't see him the next day. So I</p> <p>2 don't know if I gave this to him on May 25th or I gave</p> <p>3 this to him when we went in on the date that he had</p> <p>4 requested us come in, I think, which was June 1st.</p> <p>5 Q. Okay.</p> <p>6 A. I can't remember.</p> <p>7 Q. Earlier you had testified that you spoke with</p> <p>8 Amber Jamil on the night of May 24th, correct?</p> <p>9 A. Yes.</p> <p>10 Q. When is the next time you spoke with Amber</p> <p>11 Jamil?</p> <p>12 A. I think I spoke with Amber the next day also,</p> <p>13 but I can't remember whether I spoke with her or not.</p> <p>14 Q. And what – what – regardless of the day,</p> <p>15 what was your next conversation that you can recall</p> <p>16 with Amber Jamil?</p> <p>17 A. I think the next conversation was – I think I</p> <p>18 talked to her the next day and I think the conversation</p> <p>19 was we couldn't get any feedback. We went to see the</p> <p>20 director of nursing. He would not see us. We went to</p> <p>21 human resources and we – human resources wouldn't</p> <p>22 speak with us also.</p> <p>23 Q. And what did Amber Jamil say?</p> <p>24 A. I can't remember exactly what Amber told me.</p> <p>25 But we – I can't remember now.</p>

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App. 67

Sandra Taylor

28 (Pages 106 to 109)

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<p>1 Q. Did Amber suggest that you send -- that you</p> <p>2 carry around a petition in Mesquite?</p> <p>3 A. That -- well, we -- we were the ones, I think,</p> <p>4 that suggested that we carry those petitions around to</p> <p>5 Mesquite, to the residents of Mesquite.</p> <p>6 Q. Who made the suggestion?</p> <p>7 A. I can't remember. I can't remember now who</p> <p>8 made the suggestion -- exactly who made the suggestion.</p> <p>9 Q. And the person who drafted the petition, was</p> <p>10 that the NNOC?</p> <p>11 A. I don't remember. Now, exactly who drafted</p> <p>12 it, I know my sister -- I was talking to Diana</p> <p>13 yesterday about that, and I know my sister drafted one,</p> <p>14 because we took one to -- I gave one to my friend who</p> <p>15 took it to the golf course and had all of his golfing</p> <p>16 buddies to sign it. And we had like two pages of</p> <p>17 those.</p> <p>18 So I don't know if the original one was</p> <p>19 one that Amber gave us or if it was the one that my</p> <p>20 sister drafted.</p> <p>21 Q. And did Amber -- did the NNOC know that you</p> <p>22 were taking a petition around Mesquite?</p> <p>23 A. Yes, they did.</p> <p>24 Q. Did they encourage you in doing that?</p> <p>25 A. Yes.</p>	<p>1 to what occurred when we were in there with him. And</p> <p>2 he refused.</p> <p>3 Q. But you brought -- and so you brought six</p> <p>4 witnesses, though.</p> <p>5 A. Yes, we did.</p> <p>6 Q. Okay. And you wanted all -- every one to sit</p> <p>7 in the room at the same time?</p> <p>8 A. No, we did not.</p> <p>9 Q. Did you identify to Mr. Loyd one specific</p> <p>10 person that you wanted in the room with you?</p> <p>11 A. We asked him could we have anyone in there</p> <p>12 with us and he said no. So it was not identified, one</p> <p>13 person. We asked him. He could choose if -- if --</p> <p>14 which one of the nurses that he would like to -- that</p> <p>15 he will allow to come in with us and he refused to have</p> <p>16 anyone to come in with us.</p> <p>17 Q. Why did you -- if you just wanted one witness,</p> <p>18 why did you bring six nurses with you?</p> <p>19 A. As support, moral support.</p> <p>20 Q. And did the NNOC suggest that you bring six</p> <p>21 nurses with you?</p> <p>22 A. I can't remember who suggested that we bring</p> <p>23 six nurses with us. I know that we had representation</p> <p>24 from NNOC. Amber was there and Richard Stephenson</p> <p>25 (sic) was there.</p>
Page 107	Page 109
<p>1 Q. And you did meet with Chris Loyd on June 1st;</p> <p>2 is that correct?</p> <p>3 A. I think it was June 1st, that's correct.</p> <p>4 Q. And tell me about that meeting.</p> <p>5 A. That meeting, we brought in extra nurses from</p> <p>6 outside the hospital, because we wanted to see if he'd</p> <p>7 allow us to have someone present with us. And he said</p> <p>8 no.</p> <p>9 Q. How many extra nurses did you bring?</p> <p>10 A. I don't remember exactly how many extra nurses</p> <p>11 that came in there with us.</p> <p>12 Q. Was it as many as six extra people?</p> <p>13 A. I think it was at least six.</p> <p>14 Q. Was it more than six?</p> <p>15 A. I don't know if it was more than six or not.</p> <p>16 Q. And so Mr. Loyd told you that he didn't want</p> <p>17 to meet with all of you at the same time; is that</p> <p>18 correct?</p> <p>19 A. It was not the intention for us to meet with</p> <p>20 him all at one time. But then he had already set up</p> <p>21 times -- different times for Nancy, Diana and myself on</p> <p>22 that morning.</p> <p>23 Q. Okay.</p> <p>24 A. And the thing is that we wanted to bring one</p> <p>25 person in there with us so we could have a witness as</p>	<p>1 Q. Actually -- they were two of the nurses you're</p> <p>2 talking about?</p> <p>3 A. They're not nurses, no. They came with us.</p> <p>4 Q. Okay. So they were two of the people --</p> <p>5 A. That showed up at the -- at human resources.</p> <p>6 Q. Okay.</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And so you did meet with Mr. Loyd; --</p> <p>9 A. Yes.</p> <p>10 Q. -- is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And April Collier was in the room, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And what -- tell me about that meeting with</p> <p>15 human resources.</p> <p>16 A. I tried to present my petition from the</p> <p>17 neighborhood.</p> <p>18 Q. Hold on one second.</p> <p>19 A. Okay.</p> <p>20 Q. And is that Exhibit 19?</p> <p>21 A. That's it.</p> <p>22 Q. Okay. And then -- so you tried to present the</p> <p>23 petition and what happened?</p> <p>24 A. He refused to receive it. He told me that he</p> <p>25 did not want this petition. He wanted nothing to do</p>

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App. 68

Sandra Taylor

35 (Pages 134 to 137)

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<p>1 A. No, she did not.</p> <p>2 Q. Did you ask her to send you a copy of the</p> <p>3 policy?</p> <p>4 A. No, I did not.</p> <p>5 Q. Did she explain why she thought you were set</p> <p>6 up?</p> <p>7 A. No, she really didn't go into it.</p> <p>8 Q. Did you ask her?</p> <p>9 A. No, I didn't.</p> <p>10 Q. Do you remember anything else regarding the</p> <p>11 conversation with Sharon Bush?</p> <p>12 A. Yes. She also told me that -- that -- that</p> <p>13 the compliance officers had gotten in touch with Lisa</p> <p>14 Berry and they asked Lisa Berry had -- did she have any</p> <p>15 knowledge of Barbara Welpton stating anything about</p> <p>16 Debra being in the emergency room. And she said that</p> <p>17 Lisa told her that they didn't actually word it to her,</p> <p>18 that Barbara asked her or something to that effect.</p> <p>19 And said that -- and so Lisa told the</p> <p>20 compliance officers that, no, she didn't know anything</p> <p>21 about that, because she said that if she got Barbara in</p> <p>22 trouble, that there would be other nurses that would be</p> <p>23 involved and she didn't want to do that.</p> <p>24 Q. And -- and it's your testimony that Sharon</p> <p>25 Bush said that Lisa Berry told her that?</p>	<p>1 Lisa that showed up to go over with us. And I can't</p> <p>2 remember if they actually went in the office with us or</p> <p>3 not. I think they did.</p> <p>4 Q. And did you have any conversation with Sharon</p> <p>5 on that morning concerning what happened the night of</p> <p>6 May 24th?</p> <p>7 A. No, not really. No.</p> <p>8 Q. Okay. And then if you look at pages six and</p> <p>9 seven, there's a listing of NNOC members. Do you see</p> <p>10 that?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Starting with Amber Jamil?</p> <p>13 A. Uh-huh. Yes.</p> <p>14 Q. Have you spoken with each of these individuals</p> <p>15 since May 24th?</p> <p>16 A. I've spoken with Amber. I've spoken with</p> <p>17 Richard. I don't know who David Johnston is. Joe</p> <p>18 Schuman, I've spoken with Joe, I think. I've</p> <p>19 definitely spoken with Ed Bruno and Heidi Dumpel. Or</p> <p>20 Hedy.</p> <p>21 Q. And prior to May 24th, had you spoken with</p> <p>22 Amber Jamil?</p> <p>23 A. Oh, yes, I've spoken with Amber quite a bit.</p> <p>24 Q. Prior to May 24th?</p> <p>25 A. Yes.</p>
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<p>1 A. That's correct.</p> <p>2 Q. And so just to make sure I understand what's</p> <p>3 going on, Sharon Bush was telling you what she had</p> <p>4 heard that Lisa Berry said to the compliance officer?</p> <p>5 A. She was telling me what Lisa Berry had told</p> <p>6 her that she told the compliance officer.</p> <p>7 Q. Okay. Do you recall anything else that was</p> <p>8 said during that telephone conversation with Sharon</p> <p>9 Bush?</p> <p>10 A. No, other than she wanted -- she said that if</p> <p>11 we needed anything, to just contact her.</p> <p>12 Q. And have you contacted her since then?</p> <p>13 A. No, I have not.</p> <p>14 Q. Did Sharon provide you with any information</p> <p>15 about what happened on the night of May 24th?</p> <p>16 A. No, she did not.</p> <p>17 Q. Did you ask her?</p> <p>18 A. No, I did not.</p> <p>19 Q. And can you recall any other post May 24th</p> <p>20 communication with Sharon Bush?</p> <p>21 A. No. There's -- oh, yes, I do. On the -- on</p> <p>22 May 25th, the day right after when we went to</p> <p>23 Tom Morse's office to meet with him, Sharon showed up</p> <p>24 that morning -- we were in the lobby -- to go with us.</p> <p>25 And I can't remember whether she -- it was Sharon and</p>	<p>1 Q. Just approximately on how many occasions?</p> <p>2 A. I can't tell you exactly how many occasions.</p> <p>3 Well, maybe six. I contacted her actually. And it was</p> <p>4 after I wrote that letter.</p> <p>5 Q. The letter of August -- excuse me.</p> <p>6 A. In August, yes.</p> <p>7 Q. Of 2006?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And that was your first contact with</p> <p>10 Amber Jamil?</p> <p>11 A. That's correct.</p> <p>12 Q. And how did you get Amber Jamil's name?</p> <p>13 A. Because I have a California license and I used</p> <p>14 to get a lot of correspondence from them about</p> <p>15 organizing. And so I contacted the NNOC and they said</p> <p>16 that they actually had someone -- a representative in</p> <p>17 our area and they gave me her name.</p> <p>18 Q. And who is that?</p> <p>19 A. And I contacted her.</p> <p>20 Q. Is it a her?</p> <p>21 A. It was -- yeah, it was Amber. Amber was the</p> <p>22 organizer for the Dallas area at that time.</p> <p>23 Q. I understand.</p> <p>24 A. And I contacted her and spoke with her.</p> <p>25 Q. And your initial contact, that was concerning</p>

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<p>1 the August 2006 letter that we already talked about?</p> <p>2 A. It was after that. It was after I got no</p> <p>3 response back from that letter, then I – and we kept</p> <p>4 having all of these incidents, I contacted Amber.</p> <p>5 Q. When you say "all of these incidents," any</p> <p>6 incident other than the one that is the ones that are</p> <p>7 reflected in your August 2006 letter?</p> <p>8 A. No, it's those incidents. Basically unsafe</p> <p>9 staffing.</p> <p>10 Q. And so did Amber Jamil take any action with</p> <p>11 regard to your August 2006 letter?</p> <p>12 A. No, she did not.</p> <p>13 Q. Did she instruct you on any further action you</p> <p>14 should take with regard –</p> <p>15 A. No.</p> <p>16 Q. If you'd let me finish. – with regard to</p> <p>17 your August 2006 letter?</p> <p>18 A. No, she did not. I don't think Amber knew</p> <p>19 anything about that letter that I wrote.</p> <p>20 Q. But that was why you called her?</p> <p>21 A. I called her after the letter was written,</p> <p>22 because we were not getting any support from the</p> <p>23 hospital, from management.</p> <p>24 Q. Okay. And did you speak to Richard Stephens</p> <p>25 prior to May 24th of 2006?</p>	<p>1 Q. Okay. Do – other than that occasion, do you</p> <p>2 recall any other contact with Ed Bruno prior to May 24?</p> <p>3 A. No.</p> <p>4 Q. Hedy –</p> <p>5 A. Hedy Dumpel.</p> <p>6 Q. Hedy Dumpel. Did you speak with Hedy Dumpel</p> <p>7 prior to May 24th, 2006?</p> <p>8 A. I did.</p> <p>9 Q. On how many occasions?</p> <p>10 A. That was at the same time that I met Ed Bruno.</p> <p>11 Q. And actually I think I said May 24, 2006. I</p> <p>12 meant to say May 24, 2007.</p> <p>13 A. Yes.</p> <p>14 Q. You have spoken with Hedy Dumpel prior to May</p> <p>15 24th, 2007?</p> <p>16 A. Yes.</p> <p>17 Q. And just to make sure the record is clear, on</p> <p>18 Ed Bruno, you spoke with Ed Bruno prior to May 24,</p> <p>19 2007.</p> <p>20 A. That's correct.</p> <p>21 Q. And that was the Austin event.</p> <p>22 A. That is correct.</p> <p>23 Q. And then that would have probably been in</p> <p>24 November of 2006, correct?</p> <p>25 A. That's correct.</p>
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<p>1 A. I can't recall when I actually met Richard.</p> <p>2 He came in to cover the Dallas-Fort Worth area and</p> <p>3 Amber left. So I can't remember exactly when the first</p> <p>4 contact was made with Richard Stephens.</p> <p>5 Q. So when you first had contact with Amber, was</p> <p>6 she living in the Metroplex area?</p> <p>7 A. No. I think she was actually living in either</p> <p>8 Washington, D.C. or New York.</p> <p>9 Q. Okay.</p> <p>10 A. But she was just flying in.</p> <p>11 Q. And – and Joe Schuman, had you spoken with</p> <p>12 Joe Schuman prior to May 24, 2006?</p> <p>13 A. I don't recall when I met Joe Schuman. I</p> <p>14 don't think I met Joe Schuman prior to that.</p> <p>15 Q. Ed Bruno. Did you speak or meet Ed Bruno</p> <p>16 prior to May 24th, 2006?</p> <p>17 A. Yes, I did.</p> <p>18 Q. And tell me about that.</p> <p>19 A. I met him in Austin, and it was months before,</p> <p>20 several months before. And I can't remember the first</p> <p>21 time.</p> <p>22 Q. Was that during the November –</p> <p>23 A. It might have been.</p> <p>24 Q. – rally in Austin?</p> <p>25 A. Might have been.</p>	<p>1 Q. And then just to make sure the record was</p> <p>2 clear on Richard Stephens, had you met with him prior</p> <p>3 to May 24th, 2007?</p> <p>4 A. I cannot remember when I first met Richard.</p> <p>5 Q. Okay. And then on Joe Schuman, do you recall</p> <p>6 if you met with Joe Schuman prior to May 24th, 2007?</p> <p>7 A. Yes, I think Joe – I think we met Joe at the</p> <p>8 same time we met Ed Bruno and Hedy Dumpel.</p> <p>9 Q. And that – that meeting would have been in</p> <p>10 Austin in approximately November of 2006.</p> <p>11 A. Yes.</p> <p>12 Q. And this meeting in November of 2006 in</p> <p>13 Austin, what was that about?</p> <p>14 A. It was an educational seminar and it was a</p> <p>15 protest at the Capitol. We were trying to make sure</p> <p>16 that we got that bill passed for safe nursing/patient</p> <p>17 ratios, whistleblower protection and advocacy for</p> <p>18 patients.</p> <p>19 Q. And if that bill had passed, would it have</p> <p>20 been mandated that there be a two patient to one nurse</p> <p>21 ratio in ICU?</p> <p>22 A. That's correct.</p> <p>23 MR. DUGAS: Objection, form.</p> <p>24 Q. (BY MR. BIRRER) And do you recall</p> <p>25 approximately how many nurses were present at that</p>

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<p>1 rally?</p> <p>2 A. No, I don't.</p> <p>3 Q. And did you march in front of the state</p> <p>4 Capitol?</p> <p>5 A. Around the state Capitol.</p> <p>6 Q. Was there a march anywhere else?</p> <p>7 A. No, not that I recall.</p> <p>8 Q. Was there a rally at the end of the march?</p> <p>9 A. I think there was a rally prior to.</p> <p>10 Q. And do you remember how many nurses were at</p> <p>11 this?</p> <p>12 A. No, I do not.</p> <p>13 Q. Or how many people were at this?</p> <p>14 A. No, I do not.</p> <p>15 Q. And you attended this with Diana Sepeda; is</p> <p>16 that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Was Nancy Friesen there also?</p> <p>19 A. I can't remember whether Nancy was there or</p> <p>20 not.</p> <p>21 Q. How did you get to Austin?</p> <p>22 A. Diana and I worked the night before and we</p> <p>23 drove down.</p> <p>24 Q. And had you attended any educational seminars</p> <p>25 or events with the NNOC prior to this rally?</p>	<p>1 present at?</p> <p>2 A. I don't remember.</p> <p>3 Q. And what was the meeting in Dallas about?</p> <p>4 A. Education.</p> <p>5 Q. What type of education?</p> <p>6 A. On laws.</p> <p>7 Q. What laws?</p> <p>8 A. Of patient advocacy, laws that affect nurses.</p> <p>9 Q. Did you get any written materials at those</p> <p>10 events?</p> <p>11 A. I can't remember. If we did, they're in</p> <p>12 your – the packet that we gave you.</p> <p>13 Q. Okay. Was Liz Higginbotham at the Dallas</p> <p>14 meeting?</p> <p>15 A. I don't think so.</p> <p>16 Q. Was – did you meet Liz Higginbotham at the</p> <p>17 Austin rally?</p> <p>18 A. I think it was at the Austin rally that I met</p> <p>19 Liz.</p> <p>20 Q. And what was the San Antonio event?</p> <p>21 A. I can't remember. I think it was an</p> <p>22 educational meeting also, but I cannot remember exactly</p> <p>23 what happened at San Antonio.</p> <p>24 Q. And so were these – you mentioned Dallas, San</p> <p>25 Antonio and Austin. Were these all three educational</p>
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<p>1 A. I don't think so.</p> <p>2 Q. Did you attend any events with the NNOC</p> <p>3 between the time of this rally and May 24th of 2006?</p> <p>4 A. Yes.</p> <p>5 Q. Or excuse me, May 24th of 2007?</p> <p>6 A. That's correct.</p> <p>7 Q. And list those for me.</p> <p>8 A. I can't – I can't recall exactly when those</p> <p>9 educational meetings were.</p> <p>10 Q. Where did – where did they take place?</p> <p>11 A. I think one was here in Dallas, one was in</p> <p>12 San Antonio, and I think one was in Austin. And that's</p> <p>13 all I can recall.</p> <p>14 Q. And you actually attended those meetings in</p> <p>15 person?</p> <p>16 A. Yes, I did.</p> <p>17 Q. And did Diana go with you to all three of</p> <p>18 those?</p> <p>19 A. I can't remember.</p> <p>20 Q. Did Nancy Friesen go with you to any of those</p> <p>21 three meetings?</p> <p>22 A. I can't remember if Nancy went or not.</p> <p>23 Q. And then I think I initially asked you if</p> <p>24 Diana went with you to all of those three meetings, but</p> <p>25 were there any of them that you recall Diana being</p>	<p>1 events?</p> <p>2 A. That's correct.</p> <p>3 Q. Was it the same agenda on – on all three</p> <p>4 meetings?</p> <p>5 A. Yes.</p> <p>6 Q. And were you attending those meetings as a</p> <p>7 representative of NNOC?</p> <p>8 A. No, I was not.</p> <p>9 Q. And just explain with me, if you could – if</p> <p>10 you had already attended one of these educational</p> <p>11 meetings in Dallas and sat through the presentation,</p> <p>12 why did you go to the San Antonio meeting?</p> <p>13 A. Because I wanted to continue to get updates</p> <p>14 on – it was prior to the bill, and so I wanted to get</p> <p>15 updates on what was going on with – with that bill,</p> <p>16 where it was located and what we needed to do –</p> <p>17 Q. Okay.</p> <p>18 A. – to try to get that bill passed.</p> <p>19 Q. And so at all three meetings there would have</p> <p>20 been updates given, correct?</p> <p>21 A. Most of it was updates.</p> <p>22 Q. And – and did those meetings happen after the</p> <p>23 Austin rally or before the Austin rally?</p> <p>24 A. Those were after the Austin rally.</p> <p>25 Q. And other than attending those three meetings,</p>

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<p>1 did you do -- attend any other NNOC events between the 2 Austin rally and May 24 of 2007?</p> <p>3 A. You mean after?</p> <p>4 Q. No, between.</p> <p>5 A. No, I can't remember if there were any other 6 meetings or not.</p> <p>7 Q. Okay. And the Austin meeting, that was also 8 an educational meeting?</p> <p>9 A. Yes.</p> <p>10 Q. And they gave you an update on the legislation 11 that was pending before the Texas assembly?</p> <p>12 A. That's correct.</p> <p>13 Q. Do you recall anything else that happened at 14 the Austin meeting?</p> <p>15 A. No.</p> <p>16 Q. On page seven, if you look at the italics 17 underneath the NNOC, it indicates that, "Plaintiffs 18 have spoken with the NNOC personnel on multiple 19 occasions regarding their suspension and termination 20 from DRMC." Do you see that?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Which one of the people listed from the NNOC 23 have you spoken with concerning your suspension and 24 termination?</p> <p>25 A. For sure all of them except probably David</p>	<p>1 dates did you speak with Richard Stephens?</p> <p>2 A. Yes.</p> <p>3 Q. On how many occasions?</p> <p>4 A. I can't remember exactly how many occasions.</p> <p>5 Q. And tell me about the conversations you can 6 recall with Richard Stephens.</p> <p>7 A. I don't remember exactly what we discussed, 8 but he was -- he was aware of what was going on up 9 until termination. He was the one who went with us to 10 the office that day to speak with human resources.</p> <p>11 Q. On June 1st?</p> <p>12 A. Yes.</p> <p>13 Q. Did Richard Stephens also -- to your 14 knowledge, did he walk around with the petition?</p> <p>15 A. No, Richard didn't walk around with it. He 16 was out there when we went to -- to do the petitions, 17 but he didn't do the petitions. Diana and I went to 18 get those petitions signed, and I think Nancy went and 19 got some signed also.</p> <p>20 Q. To your knowledge, did any NNOC staff person 21 help carry those petitions around town?</p> <p>22 A. No.</p> <p>23 Q. And do you know where Richard Stephens lived 24 around this time period?</p> <p>25 A. I don't -- I'm not sure. He either lived in</p>
Page 147	Page 149
<p>1 Johnston. I don't know who David Johnston is. But all 2 the other ones we've spoken with about our termination.</p> <p>3 Q. And when did you speak with Amber Jamil about 4 your termination?</p> <p>5 A. I spoke with Amber Jamil the night -- oh, 6 after terminating? I don't know exactly when. You'd 7 have to look at the phone records to see exactly when I 8 spoke to her after the termination. We probably called 9 her -- I probably called her the date that I found out, 10 which would be June 4th.</p> <p>11 Q. On Richard Stephens, prior to your 12 termination, but after May 24, did you speak with 13 Richard Stephens?</p> <p>14 A. Yes, I have.</p> <p>15 Q. So I'm talking about between May 24 and June 16 4th, did you speak with Richard Stephens?</p> <p>17 A. Between -- restate that.</p> <p>18 Q. Sure. May 24, 2007, that's the day in 19 question, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And then I believe you've testified earlier 22 that May -- excuse me, that June 4, 2007 is when you 23 were notified that you were being terminated, correct?</p> <p>24 A. That's correct.</p> <p>25 Q. And so I was wondering in between those two</p>	<p>1 Fort Worth or Arlington, I think.</p> <p>2 Q. And is he a registered nurse?</p> <p>3 A. No, he's not.</p> <p>4 Q. Is he a member of NNOC?</p> <p>5 A. He was.</p> <p>6 Q. Is he no longer a member of NNOC?</p> <p>7 A. I don't think he is.</p> <p>8 Q. Do you recall anything else that Richard 9 Stephens and you spoke about between May 24 and June 4 10 of 2007?</p> <p>11 A. Nothing other than going to human resources 12 and he was aware that we were terminated.</p> <p>13 Q. But do you recall anything that you spoke with 14 him about?</p> <p>15 A. No.</p> <p>16 Q. Okay. Have you spoken with Richard Stephens 17 since May -- excuse me, June 4 of 2007?</p> <p>18 A. That's correct.</p> <p>19 Q. You have spoken with him after?</p> <p>20 A. Yes.</p> <p>21 Q. And -- and on how many occasions?</p> <p>22 A. I don't know.</p> <p>23 Q. And why -- what was the nature of the 24 conversation between you and Richard Stephens?</p> <p>25 A. Well, we -- to continue to push for the bill</p>

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<p>1 to be passed in 2009.</p> <p>2 Q. So the legislation that you rallied for in</p> <p>3 November of 2006 is going to be represented to the</p> <p>4 Texas legislature for review in 2009?</p> <p>5 A. You mean the legislation that was supposed to</p> <p>6 be passed in 2007.</p> <p>7 Q. Okay. Well, you went to a rally in November</p> <p>8 of 2006, correct?</p> <p>9 A. Yes, but it was to be -- it was presented to</p> <p>10 the legislation for 2007.</p> <p>11 Q. Okay.</p> <p>12 A. So it wasn't passed, and so we want to</p> <p>13 continue to push for it to be passed in 2009.</p> <p>14 Q. And are you actively trying to get the NNOC</p> <p>15 legislation passed in 2009?</p> <p>16 A. That's correct.</p> <p>17 Q. And what efforts have you made in the last six</p> <p>18 months to make that happen?</p> <p>19 A. Well, really not a whole lot. I don't know --</p> <p>20 because I'm not really that active right now. And</p> <p>21 since we had been out of town, we really haven't been</p> <p>22 that active. So I don't know exactly what all, you</p> <p>23 know, the NNOC is doing, but I'm not really actively</p> <p>24 involved at this point.</p> <p>25 Q. Do you plan on getting more involved as it</p>	<p>1 2007?</p> <p>2 A. Yes, I have.</p> <p>3 Q. On how many occasions?</p> <p>4 A. I don't recall exactly how many occasions.</p> <p>5 Q. Could you approximate?</p> <p>6 A. No, I can't. Maybe four or five, I guess.</p> <p>7 Q. Okay. And when is -- tell me about the first</p> <p>8 conversation you can recall after June 4, 2007 with</p> <p>9 Ed Bruno.</p> <p>10 A. I can't really tell you that. He's aware that</p> <p>11 we have been terminated, and that's basically all that</p> <p>12 I can recall --</p> <p>13 Q. Was Ed -- sorry. I didn't mean to cut you</p> <p>14 off. Pardon.</p> <p>15 A. That's okay.</p> <p>16 Q. What is Ed Bruno's position with the NNOC?</p> <p>17 A. I don't know what Ed's position is.</p> <p>18 Q. What is Joe Schuman's position with the NNOC?</p> <p>19 A. I don't know what Joe's position is either.</p> <p>20 Q. And was it a telephone conversation with</p> <p>21 Ed Bruno?</p> <p>22 A. No.</p> <p>23 Q. It was face to face?</p> <p>24 A. Yes.</p> <p>25 Q. Where did that take place?</p>
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<p>1 gets closer to 2009?</p> <p>2 A. I hope to, yes.</p> <p>3 Q. Joe Schuman. Did you speak with Joe Schuman</p> <p>4 between May 24 of 2007 and June 4 of 2007?</p> <p>5 A. I don't remember when I talked to Joe Schuman.</p> <p>6 I don't think I talked to Joe Schuman between that</p> <p>7 time.</p> <p>8 Q. When is the last time you recall speaking with</p> <p>9 Joe Schuman?</p> <p>10 A. I don't. I can't recall the last time I</p> <p>11 talked to him.</p> <p>12 Q. Would it have been after your termination?</p> <p>13 A. It might have been after termination.</p> <p>14 Q. Can you recall any conversation you've had</p> <p>15 with Joe Schuman?</p> <p>16 A. No, no personal -- no. I can't recall any</p> <p>17 personal conversation I've had with Joe Schuman.</p> <p>18 Q. And when you say "personal conversation," I</p> <p>19 mean, that includes issues concerning your work at</p> <p>20 defendant hospital?</p> <p>21 A. That's correct.</p> <p>22 Q. Ed Bruno. Do you recall any conversations</p> <p>23 with Ed Bruno between May 24, 2007 and June 4, 2007?</p> <p>24 A. No.</p> <p>25 Q. Have you spoken with Ed Bruno since June 4,</p>	<p>1 A. Probably it was at one of these -- probably</p> <p>2 was at one of the educational seminars.</p> <p>3 Q. Those would have happened after June 4 of</p> <p>4 2007?</p> <p>5 A. I think there's been one after that.</p> <p>6 Q. And where was that?</p> <p>7 A. I can't remember.</p> <p>8 Q. Do you recall approximately when it was?</p> <p>9 A. I can't.</p> <p>10 Q. Do you recall if it was in 2007 or 2008?</p> <p>11 A. It was probably 2007.</p> <p>12 Q. Did Mr. Bruno speak at that event?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall what he spoke about?</p> <p>15 A. No, I do not.</p> <p>16 Q. Did you speak at that event?</p> <p>17 A. No, I haven't spoken at any events, --</p> <p>18 Q. At any of --</p> <p>19 A. -- that I remember.</p> <p>20 Q. Okay. Any NNOC event?</p> <p>21 A. No, not that I can recall.</p> <p>22 Q. Hedy --</p> <p>23 A. Hedy Dumpel.</p> <p>24 Q. Hedy Dumpel?</p> <p>25 A. Uh-huh.</p>

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<p>1 Q. Did you speak with Hedy Dumpel between May 24, 2 2007 and June 4, 2007?</p> <p>3 A. No. No, I didn't.</p> <p>4 Q. Did you speak with Hedy Dumpel after June 4 of 5 2007?</p> <p>6 A. Yes.</p> <p>7 Q. On how many occasions?</p> <p>8 A. I can't remember that.</p> <p>9 Q. What were your conversations with Ms. Dumpel?</p> <p>10 A. Basically the same thing, about, you know, we 11 have been terminated.</p> <p>12 Q. Did Ms. Dumpel give you any advice?</p> <p>13 A. I can't remember whether Hedy gave us any 14 advice or not.</p> <p>15 Q. After your termination, did anyone at the NNOC 16 give you advice on what to do?</p> <p>17 A. We conferred with Amber about what we should 18 do.</p> <p>19 Q. And what did Amber tell you?</p> <p>20 A. It was about the same time that we had talked 21 to Liz, so --</p> <p>22 Q. Without -- I don't want you to go into your 23 conversations with Liz at that time, but just focusing 24 on Ms. Dumpel, what did Ms. Dumpel tell you?</p> <p>25 A. Oh, I can't -- Ms. Dumpel didn't really give</p>	<p>1 A. No, Ms. Dumpel was not present.</p> <p>2 Q. Did you have any conversations with Ms. Dumpel 3 between your meeting with human resources on June 1st 4 and June 4th?</p> <p>5 A. No, we did not.</p> <p>6 Q. And what is Ms. Dumpel's position?</p> <p>7 A. I don't know exactly what her position is with 8 NNOC.</p> <p>9 Q. All right. Moving down to Denita Yates.</p> <p>10 A. Yes.</p> <p>11 Q. Denita Yates, has she ever worked for the 12 defendant hospital?</p> <p>13 A. No, not that I -- not to my knowledge.</p> <p>14 Q. And has Carolyn Ballard ever worked for the 15 defendant hospital?</p> <p>16 A. Yes, she has.</p> <p>17 Q. In what position?</p> <p>18 A. She was one of the night supervisors.</p> <p>19 Q. House supervisors?</p> <p>20 A. Yes.</p> <p>21 Q. And was she employed at defendant hospital in 22 May of 2007?</p> <p>23 A. Yes, she was.</p> <p>24 Q. As a house supervisor?</p> <p>25 A. Yes.</p>
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<p>1 us that much information, and I can't remember exactly 2 what Hedy told us.</p> <p>3 Q. Okay.</p> <p>4 A. So --</p> <p>5 Q. And then between May 24, 2007 and June 1 of 6 2007, did you get advice from the NNOC?</p> <p>7 A. From Amber.</p> <p>8 Q. Anyone else?</p> <p>9 A. No.</p> <p>10 Q. And what was the advice that Amber gave you?</p> <p>11 A. Well, we -- we discussed going to human 12 resources, going to the D.O.N., and what we needed to 13 do after that. Because after we went over there that 14 morning, we got no response from the D.O.N. or human 15 resources. And so those are the things that -- that we 16 discussed between that night of the event, which was on 17 the 24th, and June 1st.</p> <p>18 Q. Okay.</p> <p>19 A. So --</p> <p>20 Q. Between June 1st, which is when you met with 21 human resources --</p> <p>22 A. Uh-huh.</p> <p>23 Q. Well, actually let me back up. So it's your 24 testimony -- was Ms. Dumpel present in Mesquite on June 25 1st?</p>	<p>1 Q. And do you know where Ms. Ballard works now?</p> <p>2 A. No, I do not.</p> <p>3 Q. And do you know how it came to pass that 4 Carolyn Ballard was speaking with Denita Yates?</p> <p>5 A. Denita told me that she was working through 6 the agency at a hospital, I think, that Carolyn Ballard 7 worked at part-time. And she said that she asked 8 her -- because she knew she had worked over at 9 Mesquite. She asked her to -- what happened to those 10 nurses over at Mesquite. And Carolyn told her she 11 couldn't talk to her right then, but she'd tell her 12 later. And later she said she told her that that was 13 going to happen to those nurses. The hospital set them 14 up so they could get rid of them or something to that 15 effect.</p> <p>16 Q. And -- and so it's your testimony that Denita 17 told you that Carolyn told her this information; is 18 that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. And has Carolyn Ballard ever said 21 anything to you about the circumstances regarding your 22 termination from -- from the defendant hospital?</p> <p>23 A. No, she has not.</p> <p>24 Q. And to your knowledge, was Carolyn Ballard on 25 duty on the day or night of May 24th?</p>

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Sandra Taylor

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<p>1 is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Did you do anything in the Mesquite area to</p> <p>4 try to get publicity for that rally prior to the rally?</p> <p>5 A. We went to get petitions. We continued to get</p> <p>6 our petitions signed.</p> <p>7 Q. And that could have been happening immediately</p> <p>8 before the June 15th event?</p> <p>9 A. That could have been.</p> <p>10 Q. And was it just the three of you that were</p> <p>11 going around trying to get petitions signed or other</p> <p>12 people?</p> <p>13 A. I don't remember. I think it was -- Diana and</p> <p>14 I went out together, and I think her family was -- was</p> <p>15 with us. And I can't remember who else showed up at</p> <p>16 that Block Walk.</p> <p>17 Q. But that would have been immediately prior to</p> <p>18 the June rally?</p> <p>19 A. Yes.</p> <p>20 Q. And was -- was the NNOC the one that organized</p> <p>21 the Block Walk?</p> <p>22 A. I think so.</p> <p>23 Q. On the night of May 24, after you left the</p> <p>24 hospital, did you call anyone at the hospital to make</p> <p>25 sure that all the patients had been covered?</p>	<p>1 hang-up?</p> <p>2 A. I can't remember.</p> <p>3 Q. Okay.</p> <p>4 A. I think she just hung up, so --</p> <p>5 Q. And did you speak with anyone else at the</p> <p>6 hospital on the night of May 24th?</p> <p>7 A. I talked to Chidi, I think, that night. Chidi</p> <p>8 Onyi.</p> <p>9 Q. But Chidi was at home, correct?</p> <p>10 A. I can't remember whether Chidi was at home or</p> <p>11 not. But I remember speaking to him.</p> <p>12 Q. Right.</p> <p>13 A. So --</p> <p>14 Q. But Chidi was a day ICU nurse, correct?</p> <p>15 A. Yes. Yes.</p> <p>16 Q. And so if Peggy was supposed to be on PCU, how</p> <p>17 did you know to call her?</p> <p>18 A. No, I called the unit, and I asked -- I can't</p> <p>19 remember who answered the phone. I think Dorothy, the</p> <p>20 secretary on days, was there and I asked her who was</p> <p>21 there and she told me. And I said, "Let me speak to</p> <p>22 Peggy." She said Peggy was over there or something to</p> <p>23 that effect. And I said, "Let me speak to Peggy."</p> <p>24 Q. And so I take it you know Peggy?</p> <p>25 A. Yes, I do.</p>
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<p>1 A. I called back to talk with -- I called back</p> <p>2 and I think I talked to Peggy Allen and also spoke to</p> <p>3 Linda Iserman.</p> <p>4 Q. On the night of --</p> <p>5 A. On the night of the event, on the 24th.</p> <p>6 Q. And when did you call Peggy Allen?</p> <p>7 A. I don't know exactly what the time frame was.</p> <p>8 Q. Was she on duty at the hospital?</p> <p>9 A. Yes, she was.</p> <p>10 Q. Did you actually get through to her?</p> <p>11 A. Yes, I did.</p> <p>12 Q. And tell me about that conversation.</p> <p>13 A. She just told me that she was scheduled to</p> <p>14 work PCU and that they pulled her over there to work.</p> <p>15 And she told me that Linda Iserman was there and I</p> <p>16 asked her, "Could I speak to Linda?" And I spoke to</p> <p>17 Linda. And I can't remember what else Peggy -- I can't</p> <p>18 remember right now what else Peggy and I discussed.</p> <p>19 Q. Okay. And tell me about the call with</p> <p>20 Linda Iserman.</p> <p>21 A. I tried to talk to Linda about the situation</p> <p>22 that had occurred, and Linda told me she was not going</p> <p>23 to talk to me about that right now. And she just hung</p> <p>24 up the phone.</p> <p>25 Q. And did she say "good-bye" or did she just</p>	<p>1 Q. And how do you know Peggy?</p> <p>2 A. When I first worked there through -- well,</p> <p>3 Peggy was one of the nurses that worked day shift over</p> <p>4 there.</p> <p>5 Q. On PCU, though, right?</p> <p>6 A. She worked PCU and ICU. She worked the pool</p> <p>7 and she worked both units.</p> <p>8 Q. And do you know Peggy in any other way than</p> <p>9 that?</p> <p>10 A. No, I do not.</p> <p>11 Q. Did you know how many nurses were on the</p> <p>12 schedule for the nightshift -- ICU nightshift on May</p> <p>13 24th?</p> <p>14 A. I do not know that.</p> <p>15 Q. When you left on May 24, did you know that</p> <p>16 Diana Sepeda was also going to clock out and go home?</p> <p>17 A. Yes.</p> <p>18 Q. And when you left on May 24, did you know that</p> <p>19 Nancy Friesen was also going to clock out and go home?</p> <p>20 A. Yes.</p> <p>21 Q. Did that cause you any concern about the</p> <p>22 safety of the ICU patients?</p> <p>23 A. The reason why I stayed around is because the</p> <p>24 whole thing was causing me concern about the safety of</p> <p>25 the patients. So, yeah, I stayed around and waited to</p>

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SANDRA R. TAYLOR

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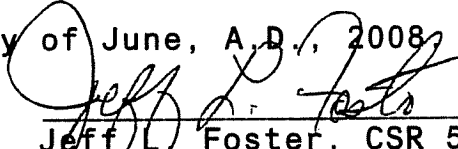
1 COUNTY OF DALLAS)

2 STATE OF TEXAS)

3 I, Jeff L. Foster, certified shorthand
4 reporter in and for the State of Texas, do hereby
5 certify that the facts as stated by me in the caption
6 hereto are true; that there came before me the
7 aforementioned named person, who was by me duly sworn
8 to testify the truth concerning the matters in
9 controversy in this cause; and that the examination was
10 reduced to writing by computer transcription under my
11 supervision; that the deposition is a true record of
12 the testimony given by the witness.

13 I further certify that I am neither
14 attorney or counsel for, nor related to or employed by,
15 any of the parties to the action in which this
16 deposition is taken, and further that I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto, or financially
19 interested in the action.

20 Given under my hand and seal of office on
21 this, the 25th day of June, A.D., 2008

22 
23 Jeff L. Foster, CSR 5434
24 Expiration Date: 12/31/2008
25 Firm Registration No. 209
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